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TOKYO GAZETTE

A MONTHLY REPORT OF CURRENT POLICIES,
OFFICIAL STATEMENTS AND STATISTICS

VOLUME IV

No. 12

CONTENTS

JAPANESE-SOVIET NEUTRALITY PACT

(Board of Information)

EARLY HISTORY OF JAPANESE RAILWAYS

(Board of Tourist Industry)

SAFEGUARDING PUBLIC PEACE

(Department of Justice)

REORGANIZATION OF THE ASSOCIATION
FOR ASSISTING THE THRONE

(Board of Information)

FROM JAPANESE POINTS OF VIEW

June, 1941

The TOKYO GAZETTE is published monthly by the Tokyo Gazette Publishing House under the supervision of the Board of Information. Its purpose is primarily to supply information concerning the nature of problems being confronted today by the Japanese nation as a whole, and of the governmental steps being taken to solve these problems.

The material in the TOKYO GAZETTE is selected mainly from the *Weekly Report*, edited by the same Board. The accuracy and comprehensiveness of data presented in the *Report* are fully established. For the benefit of students of Japanese affairs, the TOKYO GAZETTE is endeavouring to maintain these qualities in the hope that its publication will eliminate unfortunate misunderstandings and thus contribute to world peace and international goodwill.

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JAPANESE-SOVIET NEUTRALITY PACT

BOARD OF INFORMATION

ON his way to Germany and Italy, Mr. Yosuke Matsuoka, the Japanese Foreign Minister, made a stop-over at Moscow and talked with M. Viacheslav Molotov, the Soviet Chairman of the People's Council and Commissar for Foreign Affairs. On his return trip, Mr. Matsuoka again visited Moscow and had further conversations with M. Molotov from April 7. On the 12th, an important meeting took place with M. Josef Stalin, General Secretary of the Communist Party, which resulted in a mutual agreement for the readjustment of relations between Japan and the Soviet Union. Thus, the Pact of Neutrality between the two countries was signed at 3 p.m. (9 p.m. Tokyo Time) on the 13th between the Japanese representatives, namely, Foreign Minister Yosuke Matsuoka, and Ambassador Lieutenant-General Yoshitsugu Tatekawa, and the Soviet representative, namely, Foreign Commissar Viacheslav Molotov.

Simultaneously with the signing of the Pact, the two Governments issued a very important joint declaration concerning the territorial integrity and inviolability of the People's Republic of Mongolia and the Empire of Manchoukuo.

The Pact of Neutrality signed and ratified by Japan and the Soviet Union reads :

The Japanese Empire and the Union of Soviet Socialist Republics prompted by their desire of strengthening the peaceful and friendly relations subsisting between the two countries have decided to conclude a Pact of Neutrality and have mutually agreed as follows :

Article 1. The two High Contracting Parties agree to maintain peaceful and friendly relations and to respect each other's territorial integrity and inviolability.

Article 2. In case either one of the High Contracting Parties becomes an object of military action by one or more third Powers, the other Party shall observe neutrality throughout the entire period of such a conflict.

Article 3. The present Pact shall be enforced from the day of the completion of its ratification by both High Contracting Parties and it shall be valid for a period of five years. In case neither of the High Contracting Parties gives notice of its abrogation a year before the expiration of the said period, the Pact shall be regarded as having automatically been prolonged for a further five years.

Article 4. The present Pact shall be ratified as soon as possible. An exchange of ratifications shall take place in Tokyo as soon as possible.

A Joint Declaration of the two Governments is to the following effect :

The Government of the Japanese Empire and the Government of the Union of Soviet Socialist Republics, in order to assure the peaceful and friendly relations subsisting between them on the basis of the spirit of the Neutrality Pact concluded between the two countries, respect, on the part of the Japanese Empire the territorial integrity and inviolability of the People's Republic of Mongolia, and on the part of the Union of Soviet Socialist Republics, the territorial integrity and inviolability of the Empire of Manchoukuo.

Significance of the Pact

That Japan and the Soviet Union issued this Joint Declaration simultaneously with the signing of the Pact is very significant. The two countries have realized the necessity of guaranteeing the territorial integrity and inviolability of Outer Mongolia and Manchoukuo, respectively, which has hitherto constituted a source of their controversy; and thus the peaceful and friendly relations between them, as well as the peace of Asia, are to be assured on the basis of the spirit embodied in the Pact.

In this connection, the Prime Minister, Prince Fumimaro Konoe, issued a statement, declaring that the Pact strengthened the spirit of the Tripartite Pact between Japan, Germany and Italy, which was aimed at preventing the current hostilities from becoming world-wide. The substance of his statement is as follows :

The Japanese Government some time ago made public both at home and abroad their unalterable determination, by concluding the Tripartite Pact between Japan, Germany and Italy, to prevent the world-wide spread of the war and to secure the peace of Greater East Asia with that Pact as the axis of the country's foreign policy. It goes without saying that, in order to realize such a purpose, it is essential that Japan and the Soviet Union, which are neighbours in the Far East, should strengthen their peaceful and friendly relations on a lasting basis, reinforcing thereby the spirit of the said Pact of alliance. With this conviction, the Government have for some time been conducting negotiations with the Soviet Government with a view to bringing about a fundamental adjustment of Japan's relations with the Soviet Union. With the present visit to Moscow of the Foreign Minister, Mr. Yosuke Matsuoka, as a turning point, the conversations between the two Governments have made rapid progress, resulting in the signature today, April 13, of the Pact of Neutrality between the Foreign Minister, Mr. Yosuke Matsuoka, and Ambassador Lieutenant-General



SIGNING NEUTRALITY PACT AT MOSCOW

The Japanese Foreign Minister, Mr. Yosuke Matsuoka, about to affix his signature to the Japanese-Soviet Neutrality Treaty while M. Viacheslav Molotov, chairman of the Council of People's Commissars and Commissar for Foreign Affairs behind and M. Josef Stalin, General Secretary of the Communist Party (extreme right), look on. The Pact was signed on April 13, 1941.



Left: Prime Minister Prince Fumimaro Konoe, welcoming home Foreign Minister Yosuke Matsuoka as the latter arrived back in Tokyo on April 22, 1941, by air from Dairen after his recent trip to Europe. Below: The Foreign Minister talking at a press conference for foreign correspondents in Tokyo immediately after his return from Europe.



Yoshitsugu Tatekawa, and the Soviet Commissar for Foreign Affairs, M. Viacheslav Molotov, which has just been announced. At the same time the Joint Declaration by the two countries has been issued, through which Japan respects the territorial integrity and inviolability of the People's Republic of Mongolia and the Soviet Union respects the territorial integrity and inviolability of the Empire of Manchoukuo, thereby expecting to bring tranquillity to the Manchoukuo-Soviet and Manchoukuo-Outer Mongolian borders.

It is my belief that the present Pact has an epoch-making significance in the relations between Japan and the Soviet Union and that it will greatly contribute toward the promotion of world peace. I have no doubt that the Pact will serve as a basis for the rapid solution in a concrete manner of various pending questions between the two countries.

Neutrality and Non-Aggression Pacts

Since the first article of the Pact of Neutrality provides that "the two High Contracting Parties agree to maintain peaceful and friendly relations between them and to respect each other's territorial integrity and inviolability," the question arises as to what is the difference between the Pact in question and a Pact of Non-Aggression. The latter stresses the element of an attack from a third Power, thus attaching importance to the existence of third Powers, while the Pact of Neutrality stresses the mutual existence of the contracting parties and, generally speaking, the element of third Powers is a matter of secondary importance.

Although this difference is held to be important in law, there is no necessity for drawing a clear line between them from the political point of view. Thus, for instance, the Pact of Neutrality and Non-Aggression of July, 1931, between the Soviet Union and Afghanistan, and the Pact of Friendship, Non-Aggression and Neutrality of September, 1933, between the Soviet Union and Italy have provided for both characteristics, thereby facilitating the practical application of the treaty. On the other hand, though the treaty is sometimes called a Pact of Non-Aggression, in actual fact, it assumes the character of a pact of neutrality. Such is the Pact of Non-Aggression of August, 1939, between Germany and the Soviet Union, Article 2 of which provides that, if one of the contracting Powers should become the object of war-like action on the part of a third Power, the other contracting Power will in no way support that third Power.

No clear line can be drawn, therefore, between a pact of neutrality and a pact of non-aggression, although, legally speaking, there is a distinction even between a pact of non-aggression and that of non-menace. By a pact of non-aggression the signatories mutually pledge themselves not to violate each other's territory as a matter of

policy; while by a pact of non-menace they mutually recognize the right of non-menace possessed by the other contracting Power as a basis of national policy.

The relation between the Soviet-German Pact of Non-Aggression of 1939 and the Pact of Neutrality of 1926 may be gathered from the preamble of the former which reads: "Guided by the desire to strengthen the cause of peace between Germany and the Soviet Republics, and based on the fundamental stipulations of the neutrality agreement concluded in April, 1926, the German and Soviet Governments have come to the following agreement." Thus, it may be seen that both agreements doubly assure the maintenance of friendly relations between the two contracting Powers.

The following are the list of similar agreements entered into by the Soviet Union with several Powers:

1. Soviet-Turkish Pact of Friendship and Neutrality (concluded in 1925 and re-affirmed on March 24, 1941)
2. Soviet-German Pact of Neutrality (1926)
3. Soviet-Iran Pact of Guarantee and Neutrality (1927)
4. Soviet-Afghanistan Pact of Neutrality and Non-Aggression (1931)
5. Soviet-Italian Pact of Friendship, Non-Aggression and Neutrality (1933)
6. Soviet-German Pact of Non-Aggression (1939)
7. Soviet-Yugoslav Pact of Friendship and Non-Aggression (April 1941)

Press Comments in the Soviet Union

At the conclusion of the Japanese-Soviet Pact, *Izvestia*, official organ of the Soviet Government, editorially stressed the importance of the new agreement whereby the relations between Japan and the Soviet Union have entered upon a new phase of friendship and cordiality. This editorial reads in substance as follows:

The Neutrality Pact signed between Japan and the Soviet Union is of vast political significance as it constitutes an important step in the improvement of relations between the two countries. The importance of the Pact is all the greater since it was signed at the moment when the second world war was spreading indefinitely and involving more and more peoples in the whirlpool of conflict. The Soviet Union unqualifiedly and whole-heartedly welcomes the intention of the two Governments to normalize and improve their mutual relations. The present Government of Japan has shown from the very beginning of its formation its appreciation of the peaceful and friendly relations existing

between her and the U.S.S.R., and both Prime Minister Konoe and Foreign Minister Matsuoka have stressed their desire for the establishment of friendly relations between the two countries. Since the Soviet Union's relations with all the neighbouring Powers are regulated by a peaceful policy, it is only natural that she should correctly and sympathetically appraise Japanese efforts. The Japanese-Soviet Pact of Neutrality signed at Moscow on April 13 is the result of this mutual understanding.

Although the agreement just concluded will not solve all the issues pending between the two countries, it will directly clear the road to their solution. It is a well-known fact that heretofore negotiations over the fisheries and trade agreements as well as other economic issues have been accompanied by many difficulties. This has been due, however, to the fact that the basic political relations between the two countries have been left unadjusted.

Their joint declaration for the mutual respect of the territorial integrity and inviolability of the People's Republic of Mongolia and of Manchoukuo, respectively, puts an end to all frontier conflicts which have been disturbing factors in the relations of the signatory Powers. The Pact of Neutrality will not only contribute to the establishment of peace but also will open the possibility for the establishment of real friendly relations between the two nations.

After passing through numerous difficulties, Soviet-Japanese relations have entered upon a new phase with a promise of bright results. The Soviet people without doubt will welcome with complete satisfaction this new move for peace.

World-Wide Repercussions

Repercussions created by the Pact in other parts of the world are summed up below.

The Manchoukuo authorities, viewing the conclusion of the Pact as a most important diplomatic development accelerating the solution of various questions pending between Manchoukuo and the People's Republic of Mongolia have stated to the following effect:

Manchoukuo-Soviet relations have shown some improvement since the year before last with the conclusion of the Nomonhan truce agreement. And further improvements have been made since the provisional fisheries agreement between Japan and the Soviet Union was signed in January. Thus, the time for the fundamental adjustment of Japanese-Soviet relations appeared to be ripe. The conclusion of the new Pact, which casts aside unfavourable circumstances that have stood in the way of such an adjustment heretofore, reflects the power of Japan, our ally. Manchoukuo, which constitutes an integral part of the whole Japan-Manchoukuo order, wishes to express its whole-hearted welcome of the Pact.

On the other hand, dispatches from Chungking reported that the Government there, having been shocked by the conclusion of the Pact, was expected to lodge a protest with the Soviet Union. Although a section of Governmental circles is confident that the Soviet-Japanese accord will in no wise affect Soviet aid to Chungking, the majority of the Chiang Government leaders appeared to be very uneasy as to the probable results of the Pact. The *Sao Tang Pao*, organ of the Army, expressed the belief that the Pact does not produce any unfavourable influence upon China, but thought that it would bring about a certain moral effect beneficial to Soviet-Japanese relations. The Chungking *Tu Kung Pao* advanced the view that as a result of the new Pact Japan will immediately carry out her policy of southward advance and thereby bring on war in the Pacific.

Reactions in Germany and Italy were favourable, pointing out that the aim of the Pact was to strengthen the Tripartite Pact. Thus the *Deutsches Diplomatische Politische Korrespondenz*, organ of the Foreign Office, states in effect:

Germany heartily welcomes the conclusion of the Japanese-Soviet Neutrality Pact; for the Pact will enable Japan to establish a new order in Greater Asia in spite of outsiders who, out of envy or greed, are anxious to prevent the progress and hinder the welfare of the peoples of Greater Asia. Britain, which has but recently suffered a serious set-back in Yugoslavia, has again failed in her machinations in the Far East. The same is true of the United States. The participating Powers in the Tripartite Alliance can now go forward directly to the realization of the sphere of co-prosperity without interference from third Powers.

Italian official circles also published their views in effect as follows:

The signing of the present Soviet-Japanese Pact of Neutrality goes a long way toward the axis victory. By this new development, the British hope that the Soviet Union would join their camp when the United States enters the present conflict has been entirely dispelled.

In the United States, some thought that the Pact was aimed at the United States and that much time would still be necessary before the Japanese intentions could be fully known. It was reported that well-informed circles did not look upon the Pact as having added any new element of crisis in Japanese-American relations. Secretary of State Cordell Hull made a public statement on April 14 to the following effect:

The significance of the Japanese-Soviet Neutrality Pact which has just been concluded is, as has been reported in the papers, overestimated. The agreement would seem to be a description of a situation which, in effect, has existed between the two countries for some time

past. . . Therefore, it is no surprise, although some doubts existed as to whether the two Governments would agree to express it in writing. . . The policy of the American Government, of course, remains unchanged.

On the other hand the consensus of opinion among American students of Far Eastern affairs is reported to be in effect as follows:

The significance of this agreement lies primarily in its psychological effect upon Britain and America. As the result, however, no significant development is expected to be seen in relations between Japan and America.

However, America wished to strengthen her Atlantic fleet in order to put her Aid-for-England policy into operation, she could not but keep the present Pacific fleet nailed for the time-being. Likewise, England will invariably feel it necessary to reinforce her military strength at Singapore and other Far Eastern outposts.

Nevertheless, the fact that no mention is made in the treaty of the mutual withdrawal of troops by Japan and the Soviet Union from the Manchoukuo and Outer Mongolia border should not be lost sight of. This point is rather obscure, which leads one to believe that Japan will not immediately launch upon her policy of southward advance relying solely upon the conclusion of the new Pact.

A concrete development arising from this treaty that might be considered lies rather with Sino-Japanese relations. The Pact will undoubtedly be a great shock to the Chungking Government, and it will have the effect of facilitating the solution of the Sino-Japanese conflict.

The conclusion of the new treaty must be a great blow to the U.S. Government, which heretofore have followed the policy of attempting to separate the Soviet Union from the Axis Powers. Moreover, the American Government have lost face completely, as it happened immediately after they had paid highest tribute to the Soviet Union in connection with the recent Balkan situation. This development in Soviet-Japanese relations will compel America to reconsider fundamentally her policy toward that country.

In conclusion, the English press appears to agree that what is worrying the British Government most as the outcome of the Pact is that Japan, having cleared up her problems in the rear, might create the so-called "third battle front" on the Pacific Ocean. It seems that the British Government have placed considerable weight on the opinion, held in certain quarters, that the Pact guarantees Japan her safety in the North. And a diplomatic correspondent of the *Daily Herald*, organ of the Labour Party, has frankly recognized that the Soviet Union can no longer be expected to continue her material assistance to Chungking with the same ardour as in the past.

EARLY HISTORY OF JAPANESE RAILWAYS

BOARD OF TOURIST INDUSTRY

I

RAILWAYS in Japan today form the largest, most prosperous and efficiently-operated government enterprise. Their total length of lines open to traffic exceeds 12,700 miles, employees number over 300,000, and passengers and goods carried annually amount in terms of revenue to more than 366,000,000 yen and 524,000,000 yen respectively. But eighty years ago when Japan was being brought into contact with the modern world outside, no trace of this new means of transportation could be found in the country. Students of Japanese affairs will undoubtedly be interested to know the following story of how railways were introduced into the life of the nation with such extraordinary success.

The history of the railway in Japan really dates from the time of the visit of Commodore Mathew C. Perry of the United States Navy in 1853, when he brought with him a set of miniature railway carriages among the presents to the Japanese Government. Although the Japanese had heard of this new kind of transportation from the Dutch traders, the only foreigners then allowed to enter the country, and from other sources, this was the first time for the Japanese people ever to actually see anything of trains. When Commodore Perry came to these shores with his fleet, he had with him a transport carrying various State presents to the Japanese Government. On his initial visit he left the President's message in the hands of the Japanese officials, and promised to come back for the reply later. He returned early in 1854; his fleet anchored off the shores of Kanagawa (present Yokohama) on January 16, in the 7th year of Kaei (1854). On February 10 he was formally received by Lord Hayasi and other officials of the Tokugawa Shogunate in the formal reception hall specially constructed on the seashore of Kanagawa. And five days later, on February 15, the American envoy forwarded the State presents to the Shogunate officials.

The presents consisted of thirty-three items and included one box of arms (containing five Hall's rifles and three Maynard's muskets), twelve cavalry swords, six artillery swords, twenty army pistols, two telegraph instruments, three Francis' life-boats, one miniature locomotive and tender, one passenger car complete with rails, and other articles.

EARLY HISTORY OF JAPANESE RAILWAYS

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The Commodore's *Journal Narrative of the Expedition of American Squadron to China Seas and Japan, Etc.* gives the following account of the occasion:

The day agreed upon had arrived for the landing of the presents, and although the weather was unsettled, and the waters of the bay somewhat rough, they all reached the shore without damage.

The presents filled several large boats, which left the ship escorted by a number of officers, a company of marines and a band of music, all under the superintendence of Captain Abbot, who was delegated to deliver the presents with proper ceremonies to the Japanese high commissioners.

The presents having been formally delivered, the various American officers and workmen selected for the purpose were diligently engaged in unpacking and arraying them for exhibition. The Japanese authorities offered every facility; their laborers constructed sheds for sheltering the articles from the inclemency of the weather; a piece of level ground was assigned for laying down the circular track of the little locomotive, and posts were brought and erected for the extension of the telegraph wires, the Japanese taking a very ready part in all the labors, and with an innocent and childlike delight.

Nor did the railway, under the direction of Engineers Gay and Danby, with its Lilliputian car and tender, excite less interest. All the parts of the mechanism were perfect, and the car was a most tasteful specimen of workmanship, but so small that it could hardly carry a child of six years of age. The Japanese, however, were not to be cheated out of a ride, and as they were unable to reduce themselves to the capacity of the inside of the carriage, they betook themselves to the roof. It was a spectacle not a little ludicrous to behold a dignified mandarin whirling around the circular road at the rate of twenty miles an hour, with his loose robes flying in the wind.

The Japanese took great delight in again seeing the rapid movement of the Lilliputian locomotive, and one of the scribes of the commissioners took his seat upon the car, while the engineer stood upon the tender feeding the furnace with one hand, and directing the diminutive engine with the other. Crowds of the Japanese gathered around, and looked on the repeated circling of the train with unabated pleasure and surprise, unable to repress a shout of delight at each blast of the steam whistle.

The Japanese record of the time states that the installation of the miniature railway was begun on February 16 (1854) at the back of the reception hall, where the rails were first laid down, and the assembling of the steam locomotive was also started. The entire work was completed on the 23rd of the same month, and thereupon the test run was held. One of Japan's foremost scientists of the day, Tarozaemon Egawa of Nirayama in Izu, an expert on modern arms and their manufactures and foreign machinery, together with some

of his skilled mechanics, were instructed by the Shogunate officials to witness this trial run of the miniature railway. A private diary of the time says:

The manufacturer of the locomotive and car has landed and today he has begun to set them up. Five other foreign mechanics together with a large number of other hands have commenced to work on the various parts. The trial ground is behind the reception hall, extending into the wheat field for sixty *ken* (about 360 feet) with a width of three *syaku* (about 3 feet). On the ground many ladder-like works are placed in a circle, and metal bars are fastened onto the long parts of the ladder. The cars run on these. The inner rim is made lower than the outer rim, because the difference in the level of the two rims facilitates the circumscribing.

After the American envoy had gone, the miniature locomotive, tender, and passenger coach were brought to Edo (Tokyo) for examination by the higher officials of the Shogunate. It was later personally inspected by the Shogun himself, and the three Tokugawa Families of Mito, Owari and Kii as well as other feudal lords were permitted to see the vehicles. They were then carefully stored away. In the early years of Bunkyo (1861-1863) they were deposited at the Kaiseizyo (one of the predecessors of the present Tokyo Imperial University) and later at the Kaigunzyo (or the Shogunate agency for the administration of naval affairs). Some years afterwards, however, they were accidentally burnt down while still in the custody of the Kaigunzyo.

The first Japanese who are known officially to have ridden on a real railway were the members of the mission led by Lord Niimi, which was despatched to the United States in 1860. The journal of the mission states that the party crossed the Isthmus of Panama by the steam railway on March 6, 1860. Next came the Commission under Lord Takenouti, which was sent to France by way of the Indian Ocean, thus crossing the Isthmus of Suez to Alexandria by rail. The first mention of railways to be found in a Japanese book appears in *Seiyo Zisyo* by Yukichi Fukuzawa, published in 1866, a book containing much valuable information concerning Western countries.

During the ten years, from 1854 to 1864, or the decade following the introduction of the Lilliputian locomotive into Japan by Commodore Perry, there is nothing noteworthy of mention in connection with the progress of railways. However, on May 18, 1866, the French Consul-General succeeded in inducing the Shogunate to construct railway and telegraphic lines with the object of facilitating domestic transportation as well as to promote closer economic

relation between different parts of the country. He also pointed out the essential principles for a better means of communication between the important centres of the country. There were also other petitions forwarded to the Shogunate Office from foreign residents, but they were heard only as references. The principal reason for the reluctance of the Shogunate Government to adopt this modern means of transportation was due to the presence of the inevitable wave of feeling against the introduction of foreign civilization. Consequently the matter was left for future consideration until such time as the people's interest in the matter would be more spontaneous.

An important incident of the pre-railway period, however, was the Portman case. It was on December 23, 1867, that Mr. A. L. C. Portman, Secretary at the American Legation in Tokyo, was granted a permit from Lord Ogasawara, one of the State ministers of the Shogunate to construct a railway line between Tokyo and Yokohama. The permit stipulated fourteen articles, of which the first stated that the construction of the railway line should be completed within three years. Other articles provided for various conditions on the free importation of railway materials, surveying, land-taxes, terms of future purchase by the Japanese Government, and so forth.

By December, 1867, however, events in Japan were moving toward the Imperial Restoration, and according to the understanding of the diplomatic corps at that time all official transactions were to be conducted either in Kyoto, where the Emperor had the Court, or in Osaka, where the Shogun had his Office. Contrary to this, the permit granted to Portman was signed in Edo (Tokyo) by a representative of the Shogunate. This apparent illegality became the source of subsequent controversy between the American Legation and the new Meiji Government. After the Shogunate had completely relinquished State affairs to the new Meiji Government under the Emperor, Portman in 1869 applied for an exchange of the old permit for a new one under the new régime, but he was refused. Thereupon the American Legation was not satisfied. On December 20, 1869, a protest was filed by the American Minister, Mr. Charles E. Delong, warning and pressing the Japanese authorities to carry out the terms of the first permit, stating that work on the project had already been commenced by men appointed by Portman. Although there were a few more exchanges of papers between the two parties after that, the question was finally dropped by the American Legation in view of the impossibility of having it recognized by the Japanese authorities.

There were many foreigners residing in Tokyo and Yokohama in the early years of the Meiji Era (1868-1912) who saw the urgent necessity of railway construction in this country. Greatly influenced by the petitions forwarded by them and the inevitable tendencies of the time the new Government finally decided to look into the affair, and instructed Mr. R. Henry Branton, one of the Englishmen in the service of the Japanese Government, to make a thorough investigation into the possibilities of railway construction in the country. The report of investigation was soon submitted, and this included among other things the following recommendations:

1. That in order to implant the virtues of the Western transportation facility into the minds of the general public, it was necessary to construct a model line along a short but effective distance, and that the location between Tokyo and Yokohama was most suitable to exhibit its merits.

2. That the land between the two cities was level and the construction was easy and inexpensive, and that the distance was most appropriate for exhibiting the many-sided advantages of the railway.

3. That Yokohama was situated on the main highway between Tokyo and Western Japan, and future extension of the line could be made toward Kyoto and other cities in the West.

4. That since large ocean-going ships could not be berthed in Tokyo, Yokohama must be depended upon for connection with sea routes.

5. That much profit could be derived through the railway traffic between the two cities. Supposing 40,000 yen were spent on one mile of construction, the construction expenditure for the twenty miles between the two cities, would come to 800,000 yen, and adding a further 150,000 yen for locomotives, coaches and other accessories, the total estimate would amount to 950,000 yen. On the other hand, the gross income could be estimated at 206,955 yen annually, of which the bases of calculation were to be 300 yen daily on freight, 100 yen daily for an average of one hundred first class passengers at the rate of 1 yen per passenger, and 167 yen daily for an average of five hundred third class passengers at the rate of one-third of the first class fare. Thus, after deducting one half of the receipts for operation expenses, an annual net profit of 103,478 yen, or more than 10 per cent of the capital invested, could be expected.

Greatly influenced by the above report and tempted by the various pieces of information from abroad and above all pressed by the unavoidable circumstances arising from the rapid growth of national fortunes, the new Government had become more and more aware of

the growing demands and inclined toward adopting the new traffic system in the country. In Government circles the Foreign Office was most enthusiastic in advocating the construction of railways in order to connect the principal centres in the country for strategic, economic, commercial and other purposes. As a first step, it strongly advised the authorities concerned to build a line connecting Yokohama and Tokyo to facilitate better communications between the two cities. It was not, however, until November 5, 1869, after the British Minister, Sir Francis Parkes, had finally won the confidence of the Japanese, that a formal conference was held between the British and Japanese officials to discuss divers questions relating to the railway construction. Prior to this the British Minister, at the time of the famine in Kyusyu and Northeastern Japan, had pointed out to the Japanese authorities that had there been railway transportation facilities then the agricultural products of other parts of the country could have been easily forwarded to the famine-stricken districts to alleviate the situation. After a number of preliminary meetings, this formal conference was held, and the British Minister, Vice-Premier Lord Iwakura, Vice-Foreign Minister Lord Sawa, and other high officials concerned exchanged their views on the question. Several proposals were agreed upon; that lines were to be under State control, that a trunk line was to be laid between Tokyo and Kyoto, after which two lines between Turuga and Lake Biwa, and Kyoto and Hyogo (Kobe) would follow, and that the British Minister was to furnish foreign engineers necessary in the construction.

It just happened that at that time a certain Horatio Nelson Lay, an Englishman who had formerly been in the service of the Manchu Court in China as Inspector-General of the Customs, arrived in Yokohama. He immediately made use of the opportunity and proposed to the Japanese authorities to help finance for the railway construction. The Japanese authorities were in dire need of assistance from elsewhere, and when Lay's proposal was heard they made only a hasty investigation into his character before accepting his plan. When it was thought that he was related to Lord Nelson, as suggested by his middle name, the Japanese officials, well knowing the fame of Lord Nelson of the Battle of Trafalgar, without any hesitation agreed to take up the question with him. The fact that he had once been a high customs official in China also added to his advantage. It was later learned that he was in no way related to Lord Nelson, but that was only after he had fallen into complications with the Japanese officials, as will be shown below.

However, Lay with the recommendation of the British Minister,

succeeded in negotiating with the Japanese officials on the question, although he had failed in a similar project in China some years before. It was in 1869 that he came to an agreement with the Japanese authorities. Several conferences were then held, which resulted in authorizing the Englishman to float a loan of 3,000,000 pounds sterling in England. The securities for the loan were to be the customs revenue of the country and the future revenue from the railways.

The formal contract was signed on November 11, 1869. Of the 3,000,000 pounds, one third was to be issued at the rate of 12 per cent, and this would cover the cost of foreign labour and materials to be imported. Other contracts were also signed at that time, and Lay immediately returned to England in order to float the loans and to solicit personnel and purchase materials.

As the first of the foreign engineers to be engaged in railway construction in this country, Mr. Edmund Morell, an Englishman, arrived from Great Britain in March, 1870. He was appointed the Engineer-in-Chief according to the official classification by the Japanese authorities. Accompanying him were other members of his staff who were appointed accordingly to their respective posts. And thus the first batch of the foreign engineering staff was assembled in Japan and preparations for the construction of a railway between Tokyo and Yokohama were finally completed.

In the meantime, Lay in London began to float the loans as prescribed by his contract with the Japanese Government. But instead of floating them at the rate of 12 per cent, he changed it to 9 per cent, much to the surprise of the Government in Tokyo. There were also other complications arising from mutual misunderstandings between the Japanese officials and Lay, due to inappropriate wordings in the contract, and before long he was discharged after an amicable settlement. One of the principal reasons for his discharge was the fact that Lay floated the loans openly, which was contrary to the understanding of the Japanese officials, although it was not stipulated in the contract. The Japanese wished to avoid making the affair public, due to the vigorous objections against the building of railways in the country. The oppositions were by no means negligible, petitions were being continuously forwarded to the Government, some accompanied by demonstrations. In the midst of these adverse factors, however, we hear of one ardent admirer of the new means of transportation, a certain Yokyo Tani who made two representations to the Government in favour of railway construction in the country, one in January and the other in February, 1870. After Lay had been discharged the Japanese Government authorized

the Oriental Bank in London to take charge of the remaining loans.

Although the funds for the railway construction were raised in England, at that time there was no mention of the width of the gauge, neither was there any specification in the contract given to Lay. However, when Lay returned to London he appointed one Preston White to fix the gauge of the Japanese railways. White had been technical adviser to the Spanish Government and was then also acting in the same capacity for the British Government, selecting engineers to be despatched to India. In this connection, Lay wrote to Engineer-in-Chief Morell under date of July 29, 1870, which in part stated that because steel rails were strong and hence economical, White had decided on them, and the gauge was fixed at three feet six inches, and that iron sleepers were ordered owing to the lack of wooden sleepers. It was plain that Lay's correspondence was simply intended as a reference to Morell for his construction, and he had no idea of confirming the information with the Japanese officials. To the Japanese his act was too arbitrary, but Lay understood that since he had been authorized to make a complete purchase of the materials it was his duty to fix the width of the gauge.

In the meantime Lay was formally discharged, and on September 3, 1870, the Japanese Government notified the Oriental Bank and made the following points clear: that Lay's acts in ordering steel rails and iron sleepers had been illegally executed and the matter was to have been first referred to the Home Minister for his approval, and not to have been so arbitrarily acted upon by him alone; that Japan was rich in wood and so wooden sleepers were easily obtainable and iron rails instead of steel rails were to be adopted; and that finally all transactions undergone by Lay were to be repudiated. But since the width of the gauge was left untouched the officials of the Oriental Bank understood that the measurement of three feet six inches had not been altered, and prepared all necessary materials according to the width set by Lay. And in this way the narrow gauge was adopted accidentally without much discussion and thought for future development by the officials concerned at that time. Although detailed accounts regarding the adoption of the narrow gauge are still unascertained, it is generally believed that the officials of the time thought that Japan was not yet able to take in the broad gauge compared with the high standard of civilization in Europe, that the new Government due to its financial difficulties was not inclined to expend extra funds and in addition the narrow gauge was adopted in India, New Zealand, and Australia about the same time.

It was formally decided in November, 1869, to construct a line between Tokyo and Yokohama as the first step of the trunk line to link Tokyo in Eastern Japan with Kyoto in Western Japan; but it was not until March of the following year, when the foreign engineering staff under Edmund Morrell arrived in Japan, that the actual construction work was started. The headquarters of the construction were then established, one at Tokuji in Tokyo and another in Yokohama, and various construction works along the proposed line progressed without much delay. Among the most noteworthy engineering undertakings was the bridge spanning the Rokugo River, which separates the prefectures of Tokyo and Kanagawa. This was finally completed in October, 1871.

SAFEGUARDING PUBLIC PEACE

DEPARTMENT OF JUSTICE

AN extensive revision was made of the Law for the Maintenance of Public Peace of 1925 and the revised law was promulgated on March 10 of this year with the approval of the Imperial Diet. The original peace law was enacted to control radical thought movements, and later in 1928 this law was partially revised by urgent Imperial Ordinance. This consisted of only seven articles providing for penalties against certain organized or individual acts aimed at revolutionizing national polity or abolishing private ownership of property. But the revised law contains three chapters comprising 65 Articles in all, the first chapter consisting of revised provisions of penalties, which have thus been considerably strengthened. The second chapter contains special regulation providing for the necessary judicial procedure, and the third chapter deals with precautionary measures and with the system of precautionary imprisonment. As the result of this sweeping revision, the law has become a comprehensive code practically having the appearance of new legislation.

The main points of revision will be explained below in the order of the chapters.

In the first chapter in addition to the fundamental revision made of the old law pertaining to criminal acts designed to revolutionize national polity, new provisions have been laid down against crimes connected with attempts to abolish the private ownership of property.

The old law was enacted against Communistic and other thought movements prevailing between the latter years of the Taisho and the early part of the Showa eras. Since then the character of thought movements has undergone a pronounced change due to great changes occurring in world affairs. In the field of Communistic movements, too, its forms which had been formerly unified and organized, have been growing more and more unorganized and individual, and its activities, which had been aimed at achieving the objectives of the party, have now come to be concentrated on preparations to reestablish the party and on other efforts to promote Communistic influence. Because of the changes in the form of ideological movements, the old law was found deficient in many respects in attempting to control them. Moreover, the present state of affairs, both foreign and domestic, calls for a stricter control over those movements so as not to leave any room for their

manoeuvring. Thus it has become a matter of urgent necessity to prepare a penal system equal to any new situation that may arise, in addition to rectifying the defects of the old law.

Based on such necessities, the penal provisions of the Law for the Maintenance of Public Peace have been revised and included in the second chapter of the new law, the main points of which are as follows:

1. *Abolition of sentences of imprisonment without hard labour and lengthening of the terms of sentences so as to make the penalties heavier than before against offences designed to revolutionize national polity:* Sentences of imprisonment without hard labour have been abolished partly because this sort of offence has much in common with that against the Imperial Household inasmuch as it is intended to destroy the foundation of national polity, and partly because it is similar to high treason involving espionage for the reason that it is perpetrated on an international scale. In making the penalties more severe, due consideration has been given to the previous law court decisions against crimes of this kind, the revision of the provisions concerned being also aimed at clarifying national polity.

2. *Penal provisions against the so-called exterior organizations:* Article 2 of the revised law prescribes that the organizer or leader of any association aiming to aid any revolutionary organization shall be subject to the death penalty, life imprisonment or imprisonment with hard labour for over five years.

Looking back over the years of the control of Communistic movements it can be clearly seen that various organizations helping the Communist Party from the outside not only played the part of a reservoir contributing to the rebuilding of the party by gradually reviving its influence as soon as the party had collapsed after a wholesale arrest, but they have also served as the means of propagating Communistic ideas. To suppress Communistic movements it is not enough to make the Party the object of control. It is necessary to lay down provisions having as their direct object the control of exterior organizations and to inflict severe punishment upon their leaders while placing all those connected with these associations under proper control. For the reasons mentioned above, Article 2 has been newly included in the revised law.

3. *Penal provisions against so-called preparatory associations:* Article 3 of the revised law provides for penalties similar to those provided in Article 2 against organizers and members of the assisting associations and those guilty of acts conducive to the objectives of

such associations, if the latter bodies are organized with the object of preparing for the organization of revolutionary associations.

One of the characteristics of Communistic movements in recent years is that although revolution is their ultimate aim, those carrying on such movements do not take it upon themselves to change national polity. Instead, they try to train and organize them for the activities aiming chiefly at paving the way for rebuilding the Communist Party. Such associations cannot be deemed as immediately revolutionary, but in view of its dangerous possibilities in the long run it is necessary to provide for heavy penalties against them and discover and deal with them in the same way as with associations for assisting the Party. It is for this reason that Article 3 has been laid down.

4. *Provisions relating to groups not yet assuming the proportions of associations:* Thus, Article 4 of the revised law lays it down that organizers or leaders of groups with the object of changing national polity shall be made subject to life imprisonment or imprisonment with hard labour for over two years, and those joining or aiding these groups to imprisonment with hard labour for over a year.

An "association" is defined in the present law as "voluntary, continuous union of a number of specific people with a common aim and strong unity." A group lacking any of these requisites cannot be called an association. The law hitherto has not covered groups which are not in the legal sense an association. But since recent ideological movements have taken on an unorganized and individualizing tendency the need has arisen to make large groups of persons not organized as associations the objects of control. Article 4 of the revised law has been prepared to meet this need.

5. *Comprehensive provisions for the punishment of propaganda and all other individual activities aiming at altering national polity:* The old law contained penal provisions against individuals affiliated with no association who are guilty of holding unlawful conferences, acts of instigation and criminal agitation. But besides the activities named above there are others such as propaganda and enlightenment which are no less serious than instigation in their consequences. This and the fact that present thought movements are of a diversified and complex nature, make it necessary to consider all individual activities based upon the idea of revolution as the objects of punishment. Therefore, Article 5 provides that those guilty of such activities as propaganda, etc., to achieve this end shall be subject to imprisonment with hard labour for over one year and under ten years.

6. *Penal provisions against rebellious pseudo-religious bodies (Articles*

7 and 8 of the revised law): The necessity to impose heavy penalties on pseudo-religious bodies propagating seditious teachings to jeopardize the concept of national polity has been recognized by all. However, the peculiarity of these pseudo-religious bodies in reference to ideological offences is that these bodies, unlike general religious organizations, lay stress on revolutionary activities against the temporal powers of the State or society rather than on spiritual salvation. As the result, these pseudo-religious bodies have the characteristics of political or social movements along with those of religious organizations. The old law which mainly concerned political and social movements, therefore, was found inadequate in controlling these bodies. So Articles 7 and 8 of the revised law provide for penalties against societies and groups guilty of aiming at the circulation of matters prejudicial to the dignity of the Grand Shrine of Ise and the Imperial Household, and also against those guilty of acting in conjunction with such societies or groups, the penalties for the latter cases having been made comparatively severe.

Essential Points of Special Criminal Proceedings

The second chapter of the revised law lays down special provisions not covered by the Criminal Procedure Law which contains fundamental provisions governing criminal proceedings in general, provisions to be applied in searching for and trying cases of violation of the Law for the Maintenance of Public Peace. The essentials of the special criminal proceedings which this chapter lays down can be summarized as follows:

First, extensive coercive judicial powers for such actions as arrest, custody, questioning, cross-examination of witnesses, confiscation, search, inquest, and appraisal are nested in the public procurators who constitute the central organ of judicial search.

Secondly, in the procedure of public trial the appeal to the court of second instance is dispensed with and the two instance system has been adopted.

Thirdly, the system of designated lawyers has been founded; under this system lawyers other than those appointed beforehand by the Minister of Justice cannot defend cases of violation of the Law for the Maintenance of Public Peace. Besides this, restriction has been placed on the number of lawyers, not allowing more than two lawyers per defendant. Thus, limitations have been established upon the right of vindication.

Fourthly, the scope for demanding the transference of the jurisdiction of court has been expanded. When the public procurator

considers it necessary after a case has been committed for trial, he is allowed to demand the transfer of a case from one law court to another at any time before the date of the first public trial is set.

Since an ideological offence is an organized offence committed by a group of persons, there are usually number of suspects involved, and as there is always complicated relations among the suspects, and many of these groups are secretly organized, it is quite difficult to hunt down these organizations and clarify the kind of organizations to which a certain suspect belongs, the kind of position and duties he has had, and the course of and the purpose for which he has perpetrated criminal activities. Moreover, it is one of the characteristics of a thought offender that he holds a strong faith in his cause and is willing to sacrifice himself for it. He very rarely repents after his arrest and when released he usually hides his whereabouts and continues criminal activities. This tends to make searching difficult. It is evident, therefore, that to combat such crimes extensive coercive power is necessary. But the Criminal Procedure Law proper limits the power of coercion to such an extent that it is impossible fully to meet the needs of judicial search, and this gives rise to the practice of using the procedure of administrative custody for purposes of judicial search, a practice which must needs be rectified. At the same time, in order to make swift and appropriate search possible, it is necessary to prevent the misuse of coercive power in judicial search, while enlarging the said power to the necessary extent. Accordingly, the revised law, which provides for extensive coercive power to be allowed to the public procurators, also provides that, although the maximum term for detention is one year, two months shall be the usual limit for detention subject to a monthly renewal of the term to be made with the approval of the Chief Public Procurator.

The effect of penalties tends to be greatly diminished if judicial proceedings are delayed and the required court decision is not made until some years after the arrest. A case of the violation of the Public Peace Law essentially constitutes the offence of preparation for rebellion. And in view of the spirit of the legislation of the Criminal Procedure Law, which places the cases of preparation for rebellion exclusively under the jurisdiction of the Supreme Court and which follows the single instance system, it can be said that cases of this kind must be dealt with speedily to obtain satisfactory results in suppressing and preventing similar crimes. So the revised law has dispensed with the procedure of appeals to a higher court, prescribing that the decision of the first instance is inappellable. But in order to

prevent erroneous judgements, the new law allows the defendant to demand revision, and if the Court of Revision concludes that there is good reason to believe that the case is not one of violation of the Law for the Maintenance of Public Peace, the said case is to be referred to the competent court of appeal and committed for trial once more.

The system of appointing lawyers was established to prevent what is known as a campaign in the law courts, which has often been carried out hitherto during the trials of cases of violation of the Law for the Maintenance of Public Peace. Limitation of the number of lawyers has been effected to promote promptitude in judicial proceedings.

As is usual with ideological offences, a large number of participants having organic connections throughout the country are often arrested and indicted at the same time in a nation-wide round-up. In many such cases it is very effective in making judicial proceedings fair and speedy, if those involved are dealt with at one or a few law courts instead of being tried at several courts scattered throughout the country. But the Penal Procedure Law provides for the transfer of cases from a law court in one district to one in another only to a very limited extent and cannot meet such a requirement as is mentioned above. It is for this reason that a new provision has been made concerning the transfer of cases from one court to another.

Establishment of Precautionary Detention System

The third chapter of the revised law prescribes the newly established system of precautionary detention. The chief aim of this system, under which those who refuse to give up their dangerous thoughts and who show signs of repeating their offences are to be isolated from society, is to prevent the possible disturbance of public peace and the occurrence of dangerous crimes and at the same time to rectify their ideas through a coercive method, so that those segregated may return to society as loyal Japanese subjects. The gist of this system will be given below.

1. This system is exclusively intended for those about to leave prison after serving sentences for the violation of the Law for the Maintenance of Public Peace, and those under protective observation according to the Law of Protection and Observation after serving their sentences or after having been granted a stay of execution of their sentences. This provision is to be enforced only upon those mentioned above in case they refuse to reform.

2. Precautionary detention is to be executed through the decision

of a law court on a request from the competent public procurator.

3. The maximum term of precautionary detention is two years, but this can be renewed as many times as is necessary.

4. Those under such detention can be released at any time by virtue of an administrative action.

5. In demanding, renewing or terminating precautionary detention, the Committee for Precautionary Detention must be consulted.

6. A certain measure of coercive power is given to the public procurator and the law court in case the former demands precautionary detention and the latter gives its decision on it.

Ideological offenders entertain radical creeds and convictions, and besides hoping for the realization of what they believe to be an ideal society, they invariably carry on activities to attain their aims. So long as they do not abandon their creeds and convictions, there is always the possibility of their committing the same kind of offence again. This is the reason for providing, besides the penal clauses, the system of so-called public peace actions to supplement the former. Thus, the system of protection and observation was established in 1936, and now the system of precautionary detention has been introduced, the former being primarily aimed at ensuring the reformation of those who show signs of reform and the latter being directed against those unwilling to reform, with the object of working for their reformation through their forcible isolation from society.

Precautionary detention is a measure for the maintenance of peace, and, therefore, if those under such detention reform and there is no longer any need of continuing this measure, they may be released at any time, but if they show no sign of reformation and the continuation of their precautionary detention is deemed necessary, they may be kept under detention for any length of time. This is the reason why the revised law provides that any person under precautionary detention may be released through an administrative action. It is also for the same reason that no maximum number of times of renewal has been prescribed for the term of detention. But since precautionary detention involves serious restriction upon a person's freedom and does not greatly differ from judicial punishment, the procedure of this system must needs be attended to with extreme care. For this reason it provides that, when precautionary detention is demanded for any case, the said case must be referred to the Committee for Precautionary Detention for necessary counsel, and that the required decision shall be made thereon by a competent law court.

REORGANIZATION OF THE ASSOCIATION FOR ASSISTING THE THRONE

BOARD OF INFORMATION

THE Association for Assisting the Throne which was organized in October last year with a view to establishing a new order of things in every phase of national activity either political, economic, or cultural, has for half a year been striving to realize its aims and objectives surmounting all initial difficulties. In order, however, that it may further perform its function on a sounder basis, the Government have decided to effect its reorganization.

The fundamental characteristic of our national polity consists in the fact that from the founding of the Empire the relations between sovereign and subject were clearly defined and it was the duty and privilege of the subjects to assist the Emperor in the realization of national ideals. The great crisis with which Japan is now confronted makes it imperative that her people should act up to the basic principles that mark the national polity and get over this emergency by bringing the total strength of the nation into full play. This is the reason why the National Movement for Assisting the Throne was started, and no one is allowed to check its growth or attempt its retrocession. The proposed reorganization aims at the readjustment of the machinery of the Association, and not the alteration of the objective of the movement. It need hardly be said that the movement should be conducted in conformity with the provisions of the Constitution and based upon the conception of national polity characteristic of Japan. It should not be actuated by any inordinate desire for usurpation of power or from a self-interested motive taking advantage of the emergency.

At the 76th session of the Imperial Diet the character, machinery, personnel and expenditure of the Association were made the subject of much discussion. At the plenary meeting of the Budget Committee held on February 22 last the chairman, Mr. Giichi Masuda, made an interpellation on several points concerning the matter, to which Baron Kiichiro Hiranuma, Home Minister, replied on behalf of Prime Minister, Prince Fumimaro Konoe, who was absent on account of illness. Baron Hiranuma made clear the following points:

1. The Association for Assisting the Throne is not a political association coming under Article 1 of the Public Peace Police Law,

but a public association as referred to in Article 3 of the same law.

2. Consequently the Association ought not to identify itself with political activity such as carried on by a political association provided for in Article 1 of the said Law. The Government are resolved to prohibit any such activity on the part of the Association.

3. The Government intend to cause the machinery of the Association to be reorganized as soon as possible into one with the aforesaid character.

4. The Government will give full thought to the innovation in the personnel of the Association.

5. The Association is not allowed to appropriate freely any portion of the 8,000,000 yen approved for the expenditure of the Association in the 1941-42 fiscal year which may become unnecessary. The subsidy corresponding to that portion will be withdrawn, and the Government may order it to be refunded when deemed necessary.

6. From the nature of the Association it is proper that its expenses should be met by the subsidy from the Treasury. As an exception, however, the prefectural government may grant aids to the local branch of the Association in so far as the latter cooperates in the execution of the activity of the former. When made from purely disinterested motive contributions to the funds of the Association may be accepted, subject to the approval of the Government.

In accordance with the above commitments and in view of the past experiences, the four chiefs of the Cabinet agencies set about drawing up the plans for reorganization. At the regular meeting of the Cabinet Council held on April 1 the general principles for reorganization were adopted, while with the view of effecting an innovation in the personnel, Count Yoriyasu Arima, Secretary-General, and the other members of the staff tendered their resignations. Lieutenant-General Heisuke Yanagawa, Minister of Justice, newly took up his post as Vice-President, while Mr. Sotaro Ishiwara was appointed Secretary-General. The next day the Government made public the basic principles and general plans for the proposed reorganization.

The National Movement for Assisting the Throne has thus passed its initial stage, and it is becoming more and more important that its relationship with the Government as the two sides of the same thing should be made closer and closer, while both in the Capital and the provinces the Government, the people and the Fighting Services should act as one man in promoting and maintaining the prosperity of the Throne.

Aim of the Reorganization

The aim of reorganization is to help foster the spirit of the National Movement and enable the Association to discharge its function on a sounder basis and to make clear its relations with the Government, thereby strengthening its power of activity. There is, of course, no alteration in the main objective, the essential character and the direction of activity of the Association.

Main Points

(1) In the machinery of the Central Headquarters, both the departmental and committee systems are adopted so that its function may be performed by the operation of the two in a proper manner.

(2) The Secretariate will be rationalized and simplified on a priority basis with a view to increasing efficiency. Importance is to be attached to those departments concerned with the establishment of a nation-wide organization calculated to promote the assistance to the Throne and help forward its smooth working.

(3) The operation of the machinery of the Association should be so contrived as to enable each department to fulfil its proper function, while the different departments work as an organic whole by keeping in close touch with one another.

(4) Besides the President and Advisers, a Vice-President will be newly appointed who is to assist the President in controlling the Association and directing the Movement, and under the Vice-President Directors will be appointed.

Machinery of the Reorganized Association

Under the Vice-President there will be the Secretariate and the deliberative organ collaterally. The Secretariate is to be presided over by the Secretary-General, under whom there are the General Affairs, Organization, and East Asiatic Bureaus and the Central Training Institute. Under the Secretary-General are to be appointed a number of Counsellors. The deliberative organ consists of several investigation committees which undertake investigation and deliberation on important matters. The committees should work in close touch with the Secretary-General, while the leading officials of the Secretariate act as secretaries for the committees. The Central Co-operation Council will continue to exist.

Principles Underlying the Reorganization

The State and society never remain stationary; they move on

moment by moment. Especially at a great crisis such as we are now faced with it is imperative that we should adapt ourselves to the rapidly changing realities so that we may take measures with promptitude for the proper execution of national policy. Until a few years ago it was generally understood that by political associations were meant political parties like the Seiyukai and the Minseito, and by public associations such organizations as sanitary associations, producers' cooperatives, farmers' societies, etc. To put fire under control was the task of firemen, raising vegetables the proper work of farmers, and digging the ground in public works was done by navvies. But now fighting fire, digging the ground for air-raid shelters, and increasing the production of vegetables have become the task which should be participated in by all the nation alike. From the standpoint of common sense a few years ago it might be a strange sight to see housewives in cities, neither poor nor curious, raising vegetables in vacant grounds, or ordinary townsmen taking an active part in putting out fire in an air-defence drill. The same can be said of the Association for Assisting the Throne, which is declared to be a public association and yet is of a highly political nature as an auxiliary organ for the Government. The present situation in Japan, however, strongly demands that not only legally qualified men, but even women, minors, or those who are prohibited by Article 5 of the Public Peace Police Law to join a political association, such as Shinto and Buddhist priests, and teachers, should be interested and cooperate in the execution of national policy. It is, therefore, the fundamental objective of the National Movement for Assisting the Throne that every member of the nation should have a right understanding of the national policy and work together in its execution. As has often been stated, this movement aims at establishing a national organization in which each member of the nation performs his or her appointed task with the spirit of public service and so discharges the duty of Japanese subjects to assist the Throne.

As Prime Minister Prince Konoe stated in his address before the Prefectural Governors' Conference on the 8th of last April, both the domestic and international situations are growing in gravity and Japan is confronted with a great crisis. If the political machinery were to remain as before, the establishment of a highly organized national defence structure would be quite hopeless. Hence the necessity of a radical reform in politics and all other phases of national activity. The Government firmly believe that without the effective development of this national movement the difficult situation now confronting Japan cannot be surmounted, and are resolved to promote its growth with unremitting exertions. But it depends a great

deal upon the attitude of the people whether the movement will make rapid growth, or whether it will keep to the right course. Our mental attitude in introducing the new order of things, or the spirit underlying the new national structure, should be entirely Japanese in character. Even when adopting a foreign system of economic control, we should, of course, be careful not to take in uncritically its underlying ideas. The most urgent necessity for us at present is strictly to refrain from futile arguments about reformation and the maintenance of the existing state of things. We should seriously consider what structure is best suited for us in surmounting the present crisis.

TO STRENGTHEN THE NATIONAL GENERAL MOBILIZATION LAW

BOARD OF PLANNING

II

Important revisions benefiting those engaged in general-mobilization undertakings in respect of the use or expropriation of property, patent and other rights have been fully explained in the May issue of this publication. On the other hand, Article 13 provides for the protection of the former owners of property and the former holders of other rights.

Article 13: In case a thing which was expropriated by the Government in accordance with the provisions of the preceding two Articles has fallen into desuetude and is to be disposed of by the Government within a period of 10 years from the time of expropriation, or in case a thing which was expropriated by persons who are in general-mobilization undertakings in accordance with the provisions of Article 13, paragraph 3 has fallen into desuetude within 10 years from the time of expropriation, its former owner, the former holder of a right or his successor may, as prescribed by Imperial Ordinance, have the preferential right of purchasing the same.

Thus the above provisions enable the former owners and holders to repurchase the property and other rights expropriated. The same privilege was also recognized by the old provisions; however, the revision has been necessary as it now authorizes the expropriation of property and rights for the benefit of private individuals and organizations (Article 13).

The term "the former holder of a right" referred to in this Article means, in the case of an expropriation of the mining and placer mining rights and the right to the use of water, a holder of such rights, and corresponds to the former owners of land and houses. The term "his successor" means, in the case of a natural person, his heir and in the case of a corporation, a corporation continuing its existence after the merger or the corporation to be established by the merger. With regard to the prices at which the repurchases can be made, Article 29 provides that the Government shall decide same upon recommendation by the General Mobilization Compensation Commission. The prices thus determined, however, may not necessarily correspond with the prices paid at the time of expropriation;

but they will be decided justly and fairly in accordance with the change of circumstances.

Provisions Relating to Economic Control

Article 11: *If it is necessary for the purpose of national general mobilization in time of war, the Government may, as prescribed by Imperial Ordinance, make restriction or prohibition in respect of the establishment, increase of capital, merger, alteration of objects, issuance of debentures or making second and subsequent calls on shares of corporations, give necessary orders with respect to disposal of profits, depreciation, or other matters pertaining to corporation accounting, or give necessary orders to banks, trust companies, insurance companies or others to be designated by Imperial Ordinance, concerning the operation of capital, assumption or guarantee of obligations.*

Economic control carried out in Japan today aims primarily at realizing the expansion of productive capacity as the basis of national defence, while arresting undesirable effects which are likely to affect her national economy. For this purpose necessary measures must be taken in terms of funds, labour and materials. Accordingly the present Law is so framed as to enable the control in those three phases. And in respect of labour, in addition to Article 6, previously referred to, there are the provisions relating to the conscription of civilians for national services (Article 4) and those relating to the prevention of labour disputes (Article 8). Likewise the provisions in respect of materials are not lacking since Article 8 and other Articles amply provide for them. In respect of funds, however, the present Article comprises the only provision, which summarizes all the basic regulations for control of funds.

Their essential points consist of the control provisions with respect to corporations which are in need of funds, and those with respect to banks and other institutions engaged in financial undertakings. By the former provisions control is effected, first in respect of the establishment, increase of capital, merger, alteration of objects, issuance of debentures or making of second or subsequent calls on shares of corporations, thereby preventing the outflow of funds into non-urgent enterprises and on the other hand, assuring their supply to essential undertakings. This provision, however, has not been invoked to date, leaving the same measure to be enforced under similar provisions pursuant to the Temporary Funds Adjustment Law. Further it is exercised by authorizing the competent authorities to issue necessary orders with respect to the disposal of profits, depreciation and other matters relating to corporation accounting. The

Ordinance for Control of Corporation Finance and Accounting was enacted in October, 1940, under this provision and has been functioning effectively in regulating the percentage of dividends, in preventing the distribution of all the profits among the parties interested, and thus strengthening the foundation of enterprises so as to contribute considerably toward the expansion of productive capacity.

With regard to the latter provisions for control of funds, they authorize the competent authorities to issue necessary orders to banks and other financial institutions with respect to the operation of funds on the basis of the Ordinance Concerning the Operation of Funds of Banks, which has already been enacted to supersede the Ordinance Concerning the Declaration of Dividends and Accommodation of Funds of Corporations. The present revision authorizes the authorities to order those engaged in financial undertakings to assume or guarantee obligations, in addition to the operation of funds.

According to the letter of the present Article, the trust and insurance companies are apparently made subject to the said orders, but nevertheless the Government does not contemplate to carry out that part of the provisions. Even banks, which are likely to be affected, will be confined to special banks such as the Industrial Bank of Japan.

The actual operation of the measure can be outlined as follows:

The Government will order the Industrial Bank to accommodate funds to a certain industrial corporation, whereupon the Bank will raise and supply the funds to the corporation concerned; and in case that corporation is in a position to meet its obligations to another banking institution with funds thus accommodated, the revised provision authorizes the Government to order the Industrial Bank to assume those obligations. Furthermore, in case the obligations consist of promissory notes, the Industrial Bank need not do anything other than accept the notes. In this manner the funds in banks at large can be utilized for the same purpose by dispensing with complex financial operations. If, on the other hand, a corporation engaged in undertakings essential to war efforts, is in need of funds, the Government will order the Industrial Bank to accept the bills issued by that corporation or to guarantee its obligations, instead of ordering the bank to raise and make the loan and assist the corporation to get supply of the necessary funds from banks at large. In other words, the revised provisions are calculated to serve the purpose of accommodating funds by granting credits and consequently curtailing the circulation of funds.

As has been stated, the banks which may be ordered to assume and

guarantee obligations of corporations are confined to special banks, while, at the same time, beneficiaries of this financial measure are in no way limited to industrial corporations. The revised provisions of the present Article imply that banks in general, trust and insurance companies can also become beneficiaries. This revision will certainly go a long way toward curbing the inflation of currency.

Concerning Equipment

Article 16 (2): *If it is necessary for the purpose of national general mobilization in time of war, the Government may, as prescribed by Imperial Ordinance, give necessary orders with respect to transfer and other ways of disposal of, investment in, use or removal of equipment or rights belonging to enterprises.*

The entire Article has been newly added to supplement Article 16, which provides only for the restriction and prohibition of the installation, extension or improvement of the industrial equipment of non-urgent nature, and for the issuance of orders regarding the installation, extension and improvement of necessary industrial equipment. When, however, the shortage of materials for industrial equipment, on one hand, and necessity for the efficient utilization of existing equipment, on the other, are felt most keenly, the said measure is by no means sufficient to meet the situation effectively. That which is most urgent is first of all to authorize the Government to order, in respect of non-urgent and idle industrial equipment and its accessory rights, the transfer or lease to or investment in highly efficient enterprises most useful for national purposes. In this connection it is essential to adopt measures for the restriction and prevention of the use of industrial equipment for non-urgent purposes and for checking its unnecessary shifting. Hence this addition of the Article.

"Investment" in this Article means investment in kind and "equipment belonging to the enterprise," all machinery and other equipment forming an organized whole. In Article 8 certain measures of control are provided for in respect of individual goods and materials but not in respect of equipment as a whole. Consequently discrepancy arises between the provisions of Article 8 and Article 16 (2) pertaining to the manner of operation as well as of the basis of computing amounts of compensation. "Rights belonging to the enterprise" mean those rights constituting an estate under the Factory Mortgage Law and the Mining Mortgage Law, such as superficies, and the right to lease (with the approval by the lessor), and industrial property and obligations and mortgages created in

the course of the operation of the enterprise concerned. The business right, in case where it can be deemed as a right belonging to the enterprise, may be included in the said rights. In short, the importance of the new Article lies, as has been stated, in treating equipment and rights in their entirety.

Control of Business

Article 16 (3): *If it is necessary for the purpose of national general mobilization in time of war, the Government may, as prescribed by Imperial Ordinance, give necessary orders with respect to opening, trusting of management, joint management, transfer, discontinuance or suspension of business, or alteration of objects, amalgamation or dissolution of juristic persons.*

This Article is also an entirely new provision which, together with Articles 17 and 18, provides for the control of business itself. The General Mobilization Law has hitherto placed emphasis upon control of the means of production, and in consequence business itself was not sufficiently controlled. Provisions actually invoked for economic control, therefore, relate mostly to labour, materials and funds. It is true that certain sections of the old provisions of Article 17 and Article 18 can be invoked for the control of business. However, the only measure carried out along that line has been to induce producers to form cartels under the Staple Industries Control Law, in force since 1931. The present revision, that is, this newly added Article, authorizes the Government to effect a direct control of business in the following respects:

1. *Control in respect of the commencement of business:* From the nature of the situation it can not be anticipated that commencement of business will be positively ordered; instead in most cases it will be to restrict the starting of business in certain kinds of enterprises so as to prevent undesirable competitions. In these cases compensation for loss will not be provided for (Article 27).
2. *Control in respect of the discontinuance and suspension of business and the dissolution of juristic persons:* In contrast to commencement of business it is expected that orders will be issued more positively from the viewpoint of technique as well as of productive planning when reorganization of business becomes necessary. Adequate compensation from the Government is, therefore, provided for in Article 27.
3. *Control in respect of the management of business:* Orders with regard to the entrusting of management, joint management and transfer of business, as well as the alteration of objects and merger of juristic persons may also be issued. These orders, too, will be

issued only when they are really necessary from the viewpoints of technique and productive planning; no abuse will be made of them. The entrusting of management occurs when an inefficiently managed industrial plant is ordered to entrust its management to another plant of high efficiency. In this case whether the trustee or beneficiary will be responsible for profit or loss depends upon the circumstances and will be prescribed by Imperial Ordinance. Joint management of business is self-explanatory. Transfer of business, however, may need a word of explanation. It is not confined to the narrow sense of business but includes all the phases of enterprise. Nor is the explanation necessary as to alteration of objects of juristic persons and mergers. Mention must be made, however, of the fact that compensation for losses arising from such orders is not provided for in the Law. As a matter of fact, the order for joint management or merger, unlike that for transfer, does in no way deprive the owner of the enterprise. Furthermore, the Government, in issuing such orders, will influence the interests concerned to come to an agreement regarding the terms of joint management or merger, and if that effort fails, the Government will determine what are deemed just and fair terms after making careful investigation and hearing the views of the parties concerned.

FROM JAPANESE POINTS OF VIEW

Under this general title, the TOKYO GAZETTE hereafter will review books and other publications representing Japanese views of life and the world.

REORGANIZATION OF JAPANESE ECONOMY. By Shintaro Ryu. Tokyo: The Chuo Koron Sha, 1939. pp. 224. 1.70 yen.

This illuminating book by a brilliant young economist is one of the best sellers in recent years. The fact that he was connected at one time with the *Tokyo Asahi*, one of the most influential dailies in Japan, as an editorial writer on economic subjects had greatly to do with its phenomenal sale. Its popularity, however, is due in a greater measure to a serious interest evoked among Japanese as well as foreigners, after the outbreak of the China Affair, in the question of the future of Japanese economy.

"The view has frequently been advanced in foreign countries that Japan would be exhausted economically within six months after the beginning of hostilities. Such a view has been advanced largely for the purpose of belittling the economic strength of Japan and to lend moral support to the old Nationalist régime. On the other hand, a few economic commentators made the same prediction based upon cold facts, as they conceived them. However, all predictions, rumours and alarming reports proved utterly groundless in the long run, so that even a journal like *The Times* has had to alter its estimation of the economic strength of Japan." With this statement the author begins his review of the economic reorganization of Japan.

It is true that until recently Japanese heavy industry has lagged behind that of leading Powers in its development. Due to the peculiar structure of the whole of Japanese industry, characterized by its dependency on overseas supplies of materials and on overseas markets, it is not without reason that the modern national economy of Japan, particularly her war economy, has been considered weak. Despite such apparent weakness, Japanese economy has sustained its strength far longer than was predicted. This failure of the foreign students of Japanese economic affairs in their prophecies can be attributed, according to the author, to their fatal oversight or lack of proper appraisal of essential factors now at work in the

Japanese system. They must have miscalculated the capacity of Japanese economy, the author thinks, for the accumulation of capital or in terms of stocks available—miscalculations as to the strength arising from the economic reorganization effected after the transition of the Japanese system from the peace to the wartime basis, or from liberal to controlled economy. To be more exact, the author points out, they have miscalculated the strength derived from the economic reorganization wrought under the influence of emergency economic legislation, such as the Law Concerning Temporary Measures on Exports and Imports and scores of Departmental Ordinances based thereon, and the Temporary Funds Adjustment Law.

In this connection, Mr. Ryu claims that the extent of the economic reorganization has not been fully appraised not only in foreign countries but also even in Japan. So he urges that it is time for us to comprehend the far-reaching consequences of the current economic reorganization. Only when we firmly grasp the full import of the reorganization, he tells us, will we be able to find out the definite direction in which the whole structure of economic, social and political Japan will function in the future.

The new phase of economic life thus developed through this reorganization differs in character from that immediately preceding the Sino-Japanese conflict, as is prominently shown by the enormous increase in the economic burden of the people, explains the author. It is estimated, according to him, that the funds required for the five-year development plan of Manchoukuo amount to six billion yen, those required for North China to one billion four hundred million yen in five years, and those for Central China to several hundred million yen in three years and these requirements may be further expanded. Whatever funds may be needed, Mr. Ryu makes clear, should be in the form of capital goods, and not in currency; that is, not in yen but in gold, in capital equipment, materials, machinery, and railways. It is not difficult to imagine, he says, that the economic burden likely to be involved in the establishment of a new economic sphere in the vast farming districts of China will be simply staggering. It is further pointed out that Japanese industry, now fully transformed into war industry, will be required to share at least a portion of the task assigned in turning out producers' goods. On the other hand, Mr. Ryu notes, the economic conditions of Japan have undergone vast changes in coping with these problems, that is, a modern war, characterized by all phases of scientific application such as is now being waged by Japan, would necessarily entail an enormous consumption of goods and materials, leading to the early depletion of gold, which doubly enhances the burden

already imposed on reduced capital accumulations. Another point to be noted in the appraisal of the new phase of Japanese economy is, according to the author, the development of controlled economy. In other words, the development of the power of organization, which not only minimizes the effects of decreased accumulated capital but also bolsters up its strength and working efficiency. Herein lies the qualitative change in Japanese economy, states Mr. Ryu.

Thus the author reviews at length the factors which necessitated the reorganization of Japanese economy since 1932, and particularly since 1937 when the China Affair broke out, which is summarized below.

In these "post-Affair" years, Japan has endeavoured to cope with the problems arising from shortage of capital goods by such measures as the increase of domestic production, development and utilization of resources, control of distribution and consumption of goods and materials, adjustment of prices, thorough-going practice of savings, encouragement of exportation, reclamation of waste articles, and promotion and utilization of inventions.

This accounts for the concentration of capital and labour in the fields of the heavy and chemical industries. For instance, the total output of these industries in 1930 represented 33.7 per cent of that of all the manufacturing industries in 1937, whereas it was increased to 54.5 per cent in 1937. The corresponding increase in the same period from 22 per cent to 42.1 per cent was witnessed in the number of workers. Presumably there must have been further increase after the beginning of the China Affair.

It can be seen, however, that heavy and chemical industries do not contribute in the main to the production of capital goods, that is, to the accumulation of capital in kind, since a considerable portion of these industries is operated for the production of consumption goods. Nevertheless, the expansion of heavy industry is imperative. Therefore, raw materials can in no way be ensured for heavy industries except through the expansion of the export industry. As the importance of the export industry increases, an imperative need is felt for the reduction of costs of export goods, which can be made feasible by the increase of efficiency or improvement in equipment and machinery through the replenishment of fixed capital and technological advance in its organization. No doubt the reduction of costs implies reduced scales of wages and the consequent lowering of the standard of living. Even if we are to compete with foreign countries with a reduced level of wages, we shall surely be faced with certain limitations; some sort of readjustment in the domestic industrial set-up is made necessary.

But for this readjustment, no national structure capable of enduring the long-term hostilities can be sustained, nor any increase in productive capacity can be hoped for. The plan known as the expansion of productive capacity has been too anxious to expand the volume of production to ensure the increase of labour efficiency, with the result that the productivity of labour has been inevitably lowered. In order, therefore, to eliminate such an undesirable effect, working hours must be readjusted, a rational shift system be established, labour reserves be provided, and principles of factory hygiene be carried out—in a word, the establishment of the most efficient working system becomes essential.

Without these measures, labour is certain to exhaust its productivity through fatigue and sustained industrial operations become impossible. Hence definite restrictions must be placed on the reckless management of enterprises whose sole aim is profit-making.

A new orientation of policy can be discovered also in the realm of price control. The promotion of exports, for instance, cannot be successfully carried out without the lowering of the workers' standard of living, which however, cannot be enforced on them without lowering prices; to control prices is not sufficient. The problem of prices is thus made the central issue of the whole economic reorganization.

Briefly, a new orientation of economic reorganization, whether such reorganization be wrought in the internal structure of enterprises, in the realm of price control or in the measures for combating panics, seems to demand the strengthening of internal control. In other words, the economic system, based upon the old *laissez-faire* principles, has to be restricted and strengthened in accordance with the control of investments and the control of consumption of materials, which must be carried out in conformity with State planning.

Modern capitalism, with its liberalism, is, to a certain extent, renounced as is the case with any wartime economy. On the contrary, State control by the united will of the nation will necessarily be further strengthened. Thus liberal principles and practices of the modern capitalist system will be repudiated, causing, in consequence, the downfall of the system founded on the so-called English way of thinking, while the unrestrained opposition of capital and labour will become a thing of the past.

However, this is merely a process of necessity in the development of history, a skeleton or framework of necessity. There can be no history of a living people, unless warm flesh and blood be given to it. If the principles formed out of this historical necessity are to be

the principles for settling the China Affair and also for constructing a new national structure, the people themselves, freed from all conventionalism, must find a new orientation in the economic reorganization and create a new structure. Then and then only will an attitude of passivity, as heretofore shown in the mere acceptance of control and supervision, be transformed into that of spontaneous collaboration by the entire nation.

The new structure thus created is different from the *Arbeits* Front of Germany or the functional representation peculiar to Italy; already the China Affair has been creating in us such a new way of life.

WAR AND CULTURE. By Tatsuo Morito. Tokyo: The Chuo Koron Sha, 1941. pp. 304. 2.00 yen.

The contents of this learned work centre on the relations between war and culture, as can be seen from such titles of its chapters as: "Whither the New Structure in World History," "The Structure of Peace," "Our Expectation of Students," "War and Morality," "On Wartime Social Policy," "War and Culture," and "War and the Intelligentsia."

Today war is the common fate of our people, and culture is the task entrusted to the intelligentsia. But war and culture are frequently thought of as constituting an antimony, particularly from the point of view of peace and freedom, which are held to be the ideal hot-beds for culture, while war is understood at present to be the denier of these two ideals. The social stratum placed in this dilemma comprises the intelligentsia, and in this dilemma lies the most important historical task they are called upon to perform today. The question, Will we accept culture and renounce war, or will we affirm war and deny culture?, is simple and sounds quite manlike to answer one way or the other. Such abstract simplification, however, is not only impossible in the realities of life but far from being the method of explanation to meet the requirements of the present phase of cultural history, which has become so intricate and complex. For in the present stage of civilization war requires an extremely high degree of cultural equipment; while the States and peoples, of whom cultures are born, and by whom they are fostered, find themselves frequently in a position wherein they have to carve out their destinies through war. It is for this reason that there is demanded, on the one hand, a realistic attitude which does not lose sight of culture in the brutality of war but which accepts the place of war in the development of culture, and on the other, an idealistic zeal and dauntless spirit in

which to devote ourselves to the cultural mission by bearing, shouldering and working out this universal and national destiny.

From such a viewpoint, the author reviews the vital problems confronted by the Japanese nation since the beginning of the China Affair. As the contents of the book are made up of the articles contributed to magazines from time to time, they do not form a systematic presentation of one thesis. All the themes discussed here, however, are not only vital questions of the day which have arisen in the course of constructing the highly organized national defence structure, but also show the characteristics of being the problems of an age indicative of a turning-point in history.

The author modestly says that the theses advanced in the book do not offer the final solution to these problems, and that they are only studies and suggestions. Then why did he make such studies public? They are published, he answers, because there may be many who are similarly interested in the problems and maintain similar attitudes as himself. He hopes that the book will offer certain suggestions as to the solution of the problems, serve as stimulus to a positive attitude in their study and thereby help in giving self-confidence in their position and duty as intellectuals. The author believes that what are suggested in the book will be worked on by them and developed to be the foundation for the establishment of true culture in Japan.

In writing these reviews, Mr. Morito explains, he has tried to express himself in rational terms as much as possible, keeping himself from giving expression to violent emotion and excitement which war awakens in the hearts of men; he has made efforts to express himself in words which will be understood, if not approved, by those holding different ideologies and even by thinking people in hostile countries. The author is convinced that it is an indispensable qualification of a great nation to hold high the torch of reason constantly at a time of national excitement as at the present. And he says:

The fatal shortcoming of enlightened rationalism is that it cannot evaluate an important rôle which things irrational play in history. But we who are conscious of this shortcoming and who are aiming to overcome it must not, at the same time, be blind to the hopeless fallacy of unenlightened conservatism which underestimates the importance of reason in history and which believes and acts as though such irrational factors as beliefs, resolution and tradition can take the place of reason and truth. This is not enough. If we desire our country to rise to world leadership not only in military might but also in culture we must fight with the same loyalty and courage as the soldiers at the front against such irrationalism today, when the pres-

sure of the current emergency tends to accompany temptations and dangers to go astray from the path of reason. For the development of culture, to my mind, is made through the furtherance of the ideational grasp and practical control of irrational things by reason.

Thus, Mr. Morito, while rejecting agitation and emphasizing reason, advises us not to lose hope for the "sunny day" of New Order in the midst of the storm raging in the world, and quotes the following verse from a poem entitled *The Hands of the Age*, by his friend, Saika Tomita:

The view is growing cloudy,
That black cloud rising from yon horizon
Will obscure all that is upon earth. . .
T'is the sign of storm,
T'is the harbinger of a sunny day
In the land beyond.
O, ye creatures all
Be still and wait—
Just for a while.

A BRICK FACTORY GIRL. By Miss Fumiko Nozawa. Tokyo: The Daiichi Koron Sha, 1940. pp. 240. 1.30 yen.

This is a novel in the form of an autobiography by a factory girl of twenty. It was never the authoress's intention to captivate the public by this novel, and achieve the success she has. Yet when reading certain passages one might easily take it for the work of some already established popular writer. To read the first page alone would suffice to convince the reader that it is more than skilfully written and one is surprised to find the authoress a young girl who had never even written a story before, much less had any adviser to instruct her how to write. A critic has described it as being a masterpiece with a rhythm of new life and an individual style, all the more amazing since the authoress is a girl from a working quarter of Tokyo. In another critic's opinion, this book is not marred by the sentimentality or the 'softness' of the usual girl of about twenty, and, surprising as it may seem, is a work created in illness and poverty. The following is a translation of a typical extract from this novel and may be taken as representative of the popular works of young Japanese writers today.

Quarrelling and blubbing children, scolding and screaming mothers. Those shell-fish pedlars in the neighbourhood lived rather on unlicensed gambling than on their lawful trade, though the regular fishermen led much better lives. Poverty would soon have made them starve had they given up gambling and tried to rely

on what they could get out of their miserable shell-fish. All the parents knew that gambling was forbidden by the law, and often enough policemen would come to take their neighbours to the police cells, from where they emerged sobered by a severe telling off; so that most of them somehow managed to send their children to factories instead of letting them follow the same trade. Middle schools and girls' schools were the places for the sons and daughters of the doctors and those successful tradespeople who had their prosperous shops in the main street. The slum children from the back-street never dreamed of an education higher than primary school, and even there their parents pleaded poverty in order to avoid fees and the 'school support funds'. After the children got the certificates of their primary schools, they all went to work as factory hands or other labourers, girl and boy alike.

All of them were like insects who live only on putrid air. On the large field of Usioda, where thirty years before one could have heard the foxes baying the clear moon there appeared a chimney of a factory and then another, until by the end of 1938 the whole place beyond the river was labelled as 'a manufacturing quarter' of the city.

Across the river beside the bridge there had been a patch of empty land. This spring a red iron frame had been built on top of the white spring flowers and in less than no time there appeared what looked like a factory nearly three parts finished.

Sunburnt children were swimming in the river and the sound of machines echoed on the surface of the water. As the cloudless sky continued to give no signs of rain, Misa, the girl who passed an existence in a corner of the house known as the "boiler-house-tenements", made up her mind that she must, simply must, get a job. People always kept saying that they questioned whether such a healthy-looking body could be diseased, and this made her loneliness unbearable. When they heard that under her glossy skin which looked like health itself, there circulated poisoned blood congealing at every joint of her young limbs, they would laugh it away as a lie. While working in a factory, she had caught a cold which had turned out to be at three months' illness, in which she was nearly tormented to death by the pain. At the end of three months she found herself, a girl of sixteen, with no hair left on her head and her weight down to five stone. But gradually she began to put on flesh, and her stubby hair, which had defied either oil or lotion, had grown long enough to be tied up in a bun. At nineteen, the climacteric age for girls, she was almost seven stone and a half.—'Articular rheumatism' was her disease, her mother had said.

"You cannot work like other healthy girls. You are a good-for-nothing invalid, you know. Invalids must be grateful for their daily food,"

And the girl had had no courage to argue, and giving up fashionable clothes and footwear as belonging only to those who could earn them, had endured dishevelled hair and patched-up dresses for two years, and she was old enough to realize her own shabbiness. But what she could not stand at all was her younger brother, Shinkichi. Even when she had been doubled up in the agony of a severe attack of rheumatism, Shinkichi had walked around her bed reviling her. He had become an apprentice in a motor company after his course at a higher primary school and was now one of the bread winners of the house.

He would often abuse Misa, saying, "You pig! You good-for-nothing!"

Their father, with no other capital than a pole to carry his stuff about on and a threadbare 'happy coat,' kept silent at these insults. Perhaps, he was tired of always finding Misa squatting mutely in a damp corner of the house to which the sun never penetrated. Shinkichi had been the father's favourite since he was a little boy, and encouraged by his silence, he would say, "If we hadn't this beauty about our house, we could get on quite well just as others do, couldn't we? What a beastly shame! We could buy more rice at a time instead of in small quantities daily as we are doing."

She knew it was hard for her brother, who was not only bitter for himself, but the misfortunes of the family seemed to weigh upon him. But sometimes she was stung to the quick.

"I am a parasite, am I? And what of it if I am, I should like to know?"

"Oh, shut your mouth, Misa! What are you, then, if you are not a hanger-on?" her father shouted, exasperated.

"Oh, you beast!" retorted her mother with a shrill voice, "Isn't she your daughter as well as mine, you big bully? Nice father, aren't you, have pity and side with her, a poor invalid girl? You and your pretty son are scheming to drive her out. All right! I will go out of this house this very moment, and take her on my back, really I will, if you can't afford to feed this poor girl."

She had tried many kinds of pills recommended by various people, who were quite sure that they would work miracles. But pills had done no good. Even when she was a little better, she felt heavy all over her body, and, oh! when she was bad, that gnawing pain, as if she were being sawed up into pieces. And on some occasions she was well enough to forget her illness. Through her two years of

illness, she was upset by all the brawls among the family, which, to her mind, was undoubtedly caused by her uselessness, and wrote many 'curricula vitae' as best as her uneducated hand could manage, sending them to various shops and factories—all in vain. Any applicant for a factory had to undergo a strict physical examination. When she went to the main street for shopping she would pass the hospital on the way. She would smell antiseptic—and would invariably remember the words of the moustached health-insurance doctor who had so cruelly given her up as not a bit of good. Articular rheumatism! And was she going to work with such a ruin of a body—and she was forced to admit that there was no ghost of a chance. All the seven examinations had failed her. Though her mother had tenderly cared for her during illness treating her against bed-sores, and always took her side in the family quarrels, she was fed up sometimes and said to her husband openly,

"Other girls can work, and they are a great help to their parents."

"I don't know how long this bitch is going to be ill. She will be a fine old spinster and a blessed burden to us all her life. I wonder how long we shall bear it, and after all, we aren't going to live for ever. Well, I ask you, what evil have we done to get all this?"

Misa wished she were dead. Of course, death was not what she really wanted, but she thought there would be no trouble for her after death. And at the same time she could not help thinking, I want to work, I want to be nicely dressed like other girls, a little powder on my face, with plenty of money to pay for a movie or a play—she was longing for an ordinary girl's life.

It was Sunday. The air was close, the sky overcast. It threatened but never would rain, and yet gave no sign of becoming clear. She was not very sensitive to her brother's usual insult.

"Pig! What a nuisance! You are a nice deformed parasite, aren't you? Well," he proceeded at lunch time, "look at her. She is going to eat the house empty. Look at her greedy eyes sparkling!"

"You brute!", she flared up, unable to stand him any longer, "I won't have any of your infernal cheek. Wait until the factory beyond the river is built. I am not a bed-ridden old hag. You want me to get a job, do you? All right, I'll get it, if it kills me, do you hear? And then what are you going to say to me, you big-headed skunk?"

Their mother sprang up, frightened by Misa's unusual anger. Misa threw down her chopsticks and rice-bowl, and went out to the river dragging along in her father's loose wooden slippers. There she saw the network of the iron frame beyond the river solidly

standing, and she thought, 'I won't be beaten by illness, I will really get a job even if I die.' The straw refuse beaten up against the bank became blurred in her eyes, overbrimming with tears. Then she turned and wandered about the streets looking for a job. She found various placards pasted on telegraph poles. 'Workers wanted in Saghalin.' 'Girl hands wanted.' She examined them one by one, but they were all by the factories and shops she had tried and failed—and July and August had come and gone.

"I won't have your infernal cheek," she had said to her brother out of spite. And every day he would say, "Don't you see the factory beyond the river is going to be finished pretty soon? You are still hanging on us, you know." And there always ensued a family quarrel, after which she invariably sought the river. Her father's 'stop your sulk' and her mother's "oh, I'll kill myself and Misa" still rang in her ears and she pitied herself. But when she looked up at the blue sky on the bank of the river with tearful eyes, she suddenly hit upon an idea.

"How stupid of me!" she said to herself, "I may get a job from the labour exchange in Usioda." And she went immediately without going home to tell her idea to her mother. Through a narrow lane between the houses which seemed to have been paved with thrown away sea-shells, she came out to the main street. It was so close and quiet, with the occasional rumblings from passing motor lorries on the Keihin Highway. Beyond Siomi Bridge, the main street of Usioda was lively and confused as it was not divided into path and carriage way, and at last she turned the handle of the door of the Municipal Labour Exchange, praying, as she had been doing all the way, that she might be lucky this time to get a job.

A woman of sickly complexion with a baby on her back was appealing to a clerk,

"Please, sir, haven't you got any place for a day cook?"

There was another, her face patchy with powder, blushing,

"No, I don't mind hard work, but I must get good pay."

And yet another said, "Can't you give me some job-work worth, say, twenty yen a month?"

All making impracticable proposals, their appeals and repeated bows were endless in spite of their howling babies. It was at last Misa's turn, and with a scratching pen she filled in an application form handed by an office boy. Under the heading of 'the work preferred' she put down 'factory hand'; then her domicile, present abode, age, and education, ending it with her name, Misa Yamazaki. She was rather relieved when she had finished it, though she felt her back sticky with perspiration, the room being so hot and damp

with people.

She went to the clerk, and handed the form without word. The clerk was bald, but there remained starving hair above his ears, tossed lightly by the electric fan.

"Misa Yamazaki, h'm. Age nineteen?" he said,

"Yes, sir." She meddled with her old girdle, and her eyes were cast down, for she felt shy of the man's scrutiny, though he was apparently older than her father.

"Want to be a factory hand?"

"Yes, sir."

"Well, what about an electric company?" He did not sound polite, but she was glad of something like a smile at a corner of his mouth.

She had known that they paid well at electric companies, and so she had applied to one only to be rejected after a physical examination. She shook her head.

"No? Maybe a glass factory will suit you?" That was another place she had already failed to seize.

"Well, then, there's a motor-car works."

"Well, sir, I..."

"Confectionery?"

"..."

"What do you want, my girl?" he said, exasperated. "I've exhausted my list." He picked up a pencil on a book, and inserted it above his right ear with finality. All she could do was to check her tears. After a while he said,

"Why can't you take any of them? You are not fit?"

His face, which was not smiling, was hard, and made Misa more miserable.

"Well, no sir, but, please, haven't you got any other job?" Misa was desperate.

"As a matter of fact I have. A brick factory. But, mind you, it is hard work. Rather a navvy's work than a girl's, if you ask me." Misa had never heard of a brick factory.

"I don't mind that. Won't you please send me there?"

Only when she saw the smiling clerk scribbling a letter of introduction, could she take out an old soiled handkerchief and wipe all over her damp face. She listened absent-mindedly to the women speaking shrilly like so many birds, and a few men asking something of an official in their gruff voices in the men's department beyond a screen partition.

She held the letter tightly in her hand, and walked on the pavement under the blazing sun. Turning to the left from the tramway,

she found the brick factory at last at the end of a wide dusty road, its chimneys emitting volumes of black smoke. There were men loading many lorries with white fire-bricks. Their shoulders and backs were smeared with white dust, and their headkerchiefs thick with black soot. Whether her damaged health was equal to the hard work was not her problem. Was she going to be rejected again, or... The letter of introduction was soaked with sweat when she walked up to the gate-keeper's box.

An elderly man in charge looked over Misa causally and said,

"You can come and try. From to-morrow, if you like." Too much joy robbed her of speech, and without asking the man what time she was expected the next morning, she hurried home, scarcely noticing which way she was going. She told her mother.

"That is splendid, but I wonder how long you are going to put up with the hard work," her mother said. "No need to worry about me," Misa thought.

A house was built with nothing but four poles at the corners, and corrugated iron sheets on them as a roof. If you added to it another two poles and some more iron sheets, you would have another house, and thus there appeared what was called a tenement house. Those who lived in it had no humanity or tenderness like those slum people in popular stories and movies. The neighbours shared one roof and one wall between them, and they were eager to pretend to each other that their relations were nothing but friendly, but in truth, when a family had no money to buy enough rice for one meal, their neighbours were ready to laugh at their misfortune, provided that the latter were lucky and had means of sustenance.

The news spread itself rapidly to these people. The "Pig Girl" was going to earn money, and at the well-side one of them remarked to her mother,

"You are lucky, dearie. In a year's time you'll have to get a great big safe to hold all the mint of money your daughter's going to give you."

"Of course," replied her mother, who needed more than that to hurt her, "but I am going to throw all the silvers into the sea, lest they bust up my house." "Well said," Misa thought, more cheerful than she had felt for years. In the presence of their father she said to her brother,

"Get cheeky and call me pig again, and I'll brain you!"

The following morning Misa put on her summer frock, which was just washed and stiff with starch, and a girdle, and with a lunch box in her hand, left home. She walked at the same pace as the other factory girls, felt her heart thumping with excitement, and

could not help smiling at herself. Why did they take me without a physical examination? The puzzle had stuck to her mind like a stain on a new frock, but it was wiped away at last when she saw the many smoking chimneys of the brick factory in the distance while walking along a narrow footpath in the middle of a broad field beyond the bridge with other girls.

It was five days later that she found her attendance-ticket hung third from the last near the gate-keeper's box, her nameplate nailed on the door of her narrow locker in the girls' dressing room, and a fatigue-dress (Middle, No. 298) on herself. The stink of lime was pungent. She had been made to realize how hard the work was on the first day of her employment. What she had done in another factory before she got ill had been mere child's play in comparison. She recalled what the kindly clerk at the labour exchange had said,

"Rather a navvy's work than a girl's."

FOREIGN MINISTER, MR. YOSUKE MATSUOKA, ON HIS RECENT TRIP TO EUROPE

—Statement published on his arrival back in
Tokyo on April 22, 1941—

HERE I am back in Tokyo again. My journey to Germany and Italy took some six weeks. I had a series of extremely useful conversations with the leaders of the two countries with whom I have formed personal acquaintanceship. I realize fully the truth of the proverbial saying that to see once is better than to hear a hundred times, for I feel I can now speak with better authority on the situation in Western Europe, having ascertained on the spot many a doubtful point through my own eyes. This, I believe, will prove beneficial in no small measure in the conduct of our foreign relations. I have also become acquainted with the eminent leaders of the Soviet Government including Monsieur Stalin with whom I have had two frank and friendly conversations. In fact, it was he who made the prompt decision at the last stage of negotiations regarding the recently concluded Soviet-Japanese Neutrality Pact. This is only one of the many examples of how great leaders of the Powers are today disposing quickly the affairs of State involving sometimes the destinies of their nations when international situation is so full of swift and surprising changes. Vacillation and hesitation are, indeed, fatal.

We, too, must be quick in action in order to cope with the momentous need of the times. We should not confuse deliberation with procrastination. Just as the Tripartite Pact does not affect the relations of the Three Powers vis-a-vis the Soviets, so the Soviet-Japanese Neutrality Pact and the declaration do not affect in the least the Tripartite Pact, which remains the immutable basis of our foreign policy. On the contrary, the Neutrality Pact is a reinforcement in a sense of the Tripartite Pact. There has, of course, been no misunderstanding or misapprehension between the three allied Governments in connection with the Neutrality Pact. Nothing proves this better than the fact that both Germany and Italy are sincerely welcoming the conclusion of the Pact. The Pact is an eloquent indication of the improvement in our relations with the Soviets, and together with the Tripartite Pact, the Sino-Japanese Treaty of last year, and the recent mediation in the Franco-Thailand

dispute, it stands as a fit symbol of the spirit of *Hakkō-itiū*, which inspires the foreign policy of Japan, the aim of which is universal peace and good neighbourliness.

Finally, if my European journey contributed ever so little to the cause of our nation, it is above all, due to the gracious influence of our Imperial House and also to the great power of our country—the Japanese Empire.

CONCERNING THE CONCLUSION OF THE JAPANESE-FRENCH INDO-CHINA ECONOMIC NEGOTIATIONS

I

—Announcement by the Board of Information on May 6, 1941—

The Japanese-French Indo-China Economic Conference, which was opened in Tokyo in December last for the purpose of establishing on a new basis the economic relations between Japan and French Indo-China, has since been held daily in an amicable spirit of mutual understanding. Despite the wide scope and complexity of the matters under negotiation, a complete agreement of views has been reached on various questions thanks to the earnest and laborious discussions between the countries' delegations headed, respectively, by the Japanese Ambassador, Mr. Hajime Matsumiya, and the French Governor of the Colonies, M. René Robin, resulting in the signature today of the Convention of Establishment and Navigation and the Agreement concerning the Customs Tariff, Trade and Method of Payment by the Foreign Minister, Mr. Yosuke Matsuoka, and the Ambassador, Mr. Hajime Matsumiya, for Japan and the Ambassador, Mr. Arsène-Henry, and the Governor, M. René Robin, for France.

The conclusion of the said Convention and Agreement will contribute greatly toward making closer the Japanese-French Indo-China economic relations, thereby ushering in a new phase of collaboration between Japan and France in East Asia—a fact which is a matter for mutual congratulations.

II

—Contents of the Convention and the Agreement—

The Convention of Establishment and Navigation provides for the reciprocal treatment of nationals and vessels of the two Parties. It stipulates that Japan and French Indo-China will reciprocally accord national treatment in the main or the most favoured nation treatment as occasion demands concerning the entry, the establishment, the acquisition and possession of movable and immovable property, the exercise of commerce and manufacturing industry,

the imposition of taxes of various kinds and the treatment of companies. Concerning vessels of the two countries, it also provides that they will be treated in principle on an equal footing.

The Agreement concerning the Customs Tariff, Trade and Method of Payment is a voluminous one consisting of thirty Articles and annexed documents, and contains the following provisions:

Regarding the Customs tariff, the two Parties agree to accord mutually the most favoured nation treatment. Besides, French Indo-China agrees to afford the advantage of the exemption of Customs tariff or the reduction of the existing minimum Customs tariff to the principal products of Japan and to levy the minimum tariff on all other Japanese products; and Japan, in turn, agrees to accord the privilege of favourable Customs tariff to the principal products of Indo-China.

As regards trade, provisions have been made, with a view to increasing the trade between the two countries, for the export to Japan of rice, maize, coal, minerals and other principal products of French Indo-China and for the export to French Indo-China of textiles, other manufactured articles and miscellaneous products of Japan.

With regard to the method of payment, commercial payment between Japan and French Indo-China is based on the principle of compensation, and its settlement is made in the yen and the piastre directly through the intermediary of the Yokohama Specie Bank and the Bank of Indo-China, dispensing, thereby, with the exchange in foreign currency. Moreover, French Indo-China agrees to afford special favour with respect to the payment for Indo-China rice purchased by Japan.

An agreement of views has also been reached with regard to the questions of admission of Japanese commercial firms into the Federation of Importers and Exporters in French Indo-China, the participation of Japanese capital in agricultural, mining and hydraulic concessions in French Indo-China, the establishment of Japanese schools in French Indo-China and the institution of periodical economic conference for the examination of general economic questions between Japan and French Indo-China.

CONCERNING THE SIGNATURE OF THE TREATY OF PEACE BETWEEN FRANCE AND THAILAND

I

—Announcement by the Board of Information on May 9, 1941—

WITH regard to the terms of mediation for the settlement of the border dispute between Thailand and French Indo-China which were signed on March 11 of this year between the three countries concerned, discussions have been continued for two months since then between the delegates of France and Thailand for the purpose of putting them into the form of treaty, with the Japanese representatives, as mediators, exercising their good offices. As the result of these efforts, a complete agreement of views has been reached between the countries concerned, and the Treaty of Peace between France and Thailand has been formally signed today, May 9.

That the purpose of the Mediation Conference convoked by the Japanese Government in Tokyo for the settlement of the Thai-French Indo-China border dispute has been completely accomplished in the brief period of three months is, of course, due to the fact that the Japanese Government have consistently exercised their effort with sincerity in order that amicable and good neighbourly relations may be established among various countries of East Asia and the ideal of co-existence and co-prosperity of these peoples may be realized. It also represents the fruit of earnest negotiations of both the French and Thai Governments, the parties directly concerned with the dispute, who have fully understood the real intentions of Japan. The peace and order of the South Eastern Asia have thus been secured on a new basis, thereby opening a new epoch in the construction of a new order in East Asia, a fact which is a source of profound gratification shared by the Japanese Government together with the French and Thai Governments.

It is particularly a significant result of the Conference that the documents previously exchanged between Japan and France and between Japan and Thailand have been signed as formal documents simultaneously with the conclusion of this Peace Treaty, thereby completing the understandings between Japan and Thailand and between Japan and French Indo-China concerning the establishment

of amicable and good neighbourly relations, the promotion of closer economic relations and also with reference to political, economic and military relations between them. It is our firm belief that the bond of close relations between the countries concerned will thereby be cemented still more strongly.

The gist of the French-Thai Peace Treaty is given in the following paragraphs.

II

—Contents of the Peace Treaty and Protocols Concerning Guaranty—

I. The Treaty of Peace between France and Thailand

The Peace Treaty is the one arranged in the form of a treaty of the mediation terms initialled on March 11 of this year. Its contents, excepting a few points, are almost the same as the mediation terms. It has twelve Articles, besides the Preamble and the concluding paragraph.

The Preamble makes clear that France and Thailand, having accepted the Japanese offer of mediation and deeming it essential for the purpose of preventing a recurrence of border dispute between Thailand and French Indo-China, to readjust the frontiers and reach an agreement concerning the method of maintaining peace and tranquillity in the border regions, and desiring to restore completely the traditionally friendly relations between France and Thailand, have decided to conclude this treaty.

Article I states that the friendly relations between France and Thailand are restored, and therefore, direct diplomatic negotiations shall soon be opened for the purpose of solving the pending questions between them.

Article II provides for the readjustment of the frontiers ceding thereby the districts of Paklay and Bassac as well as the greater part of Cambodia to Thailand.

Article IV provides for the establishment of a commission which will undertake the task of delimiting the boundaries.

Article V provides for the conditions for the incorporation of the ceded territories into Thailand. It also provides for the demilitarization of that part of the ceded territory which has hitherto belonged to Cambodia, for an absolutely equal treatment of French and Thai nationals in all of the ceded territories, and for respect to be paid to the royal mausolea of Luang Prabang.

Article VI provides that Thailand may maintain only the police

force and may not maintain fortifications, military aviation fields, etc., in the demilitarized zones.

Article VIII provides for the principles governing the change of nationality and the transfer of domicile and property of the inhabitants of the ceded territories.

Article IX settles the financial claims between the countries arising from the cession of territories through payment by Thailand to France of six million piastres in six annual instalments.

Article X provides that, if any dispute arises in the future concerning this treaty, it shall be submitted to Japan's mediation.

Exchange of ratifications is due to take place in Tokyo within two months after the signing of this treaty.

The boundary between Thailand and French Indo-China as adjusted under Article XI is as follows:

Beginning from the north, the boundary line runs from the converging point of the frontiers of French Indo-China, Thailand and Burma down along the Mekong River to the point where the line crosses the 15th degree of the Latitude (the island of Khong on the Mekong continues to belong to France, and the island of Khone reverts to Thailand). The line then runs westward along the 15° Latitude, and turns southward along the line of Longitude which passes through the point where the present boundary between the Provinces of Siem Reap and Battambang ends in Grand Lac (the mouth of the river Stung Kombot). The boundary on Grand Lac is drawn by a circular arc, whose radius is twenty kilometres, which joins the point where the present provincial boundary line of Siem Reap and Battambang ends in that lake (the mouth of the river Stung Kombot) and the point where the present boundary line between the Provinces of Battambang and Pursat ends in Grand Lac (the mouth of the river Stung Dontri). The boundary line then runs from the mouth of the Stung Dontri toward the southwest along the present provincial boundary between Battambang and Pursat to the point where the latter boundary line meets the present boundary line between French Indo-China and Thailand (Khao Kou), and then runs along the present national boundary, without change to the sea.

Annexed to this Treaty of Peace are three Protocols: the first, concerning the evacuation and delivery of the territories affected; the second, concerning the composition and operation of the Commission for the Delimitation of Boundary; and the third, concerning the fulfilment of the terms stipulated with respect to the demilitarized zones. As regards the latter two Protocols, the Japanese Government have signed them as one of the Parties concerned.

II. The Japanese-French and Japanese-Thai Protocols concerning the Guaranty and Political Understanding

These two Protocols have been made in conformity with the purpose of the documents exchanged between the Japanese and French delegations and between the Japanese and Thai delegations at the time of the signature of the mediation terms on March 11 of this year.

The Japanese-French Protocol clearly states in its Preamble that the two countries, in accordance with the spirit of the documents exchanged between the Foreign Minister, Mr. Yosuke Matsuoka, and the French Ambassador, M. Charles Arsène-Henry, on the 30th of August, last year, and desiring to preserve the stability of the friendly relations between France and Thailand, have concluded this Protocol. In the text proper, Japan guarantees that the settlement of the dispute as embodied in the Treaty of Peace between France and Thailand and its annexed documents is definitive and unalterable; and France, accepting the said Japanese guaranty and pledging herself to the establishment of amicable and good neighbourly relations between Japan and French Indo-China, declares that she has no intention of entering into any agreement or understanding with the third Power or Powers envisaging political, economic or military cooperation of such character as is opposed either directly or indirectly against Japan. This Protocol, also, stipulates that exchange of its ratifications shall take place in Tokyo within two months after its signature.

With the exception of the reference, in its Preamble, to the Japanese-Thai Treaty of Amity of June 12, 1940, and the absence of regional limitation concerning the agreement or understanding with the third Power or Powers in the text proper, the Japanese-Thai Protocol has exactly the same contents as the Japanese-French Protocol.

III

—Address of the Foreign Minister, Mr. Yosuke Matsuoka,
on the Occasion of the Signature of the
Treaty on May 9, 1941—

On this auspicious occasion of the signature of the French and Thai Peace Treaty, I wish to say a few words of congratulation.

In accordance with the terms of mediation for the settlement of the Thai-French Indo-China border dispute which was signed on March 11, between the French and Thai delegates and the Japanese mediators, earnest discussions have been held for the past two

months between the delegates of France and Thailand with the object of putting them into the shape of treaty, while Japan has exercised her good offices. We are very glad that the peace treaty between France and Thailand has today been formally signed.

This treaty serves not only to dispel the dark clouds which have hovered between Thailand and French Indo-China for the past half year as well as to restore the friendly relations between those two countries but to insure them for the future. It assuredly marks a new epoch in the French and Thai relations, and, therefore, we wish to express our profound gratification to the two countries. At the time when the whole world is trembling in fear of war, this fact is of great significance.

A fact which I want specially to point out at this occasion is that the documents exchanged between Japan and France and Thailand, respectively, at the time of signature of the terms of mediation have been signed as a formal document. By virtue of this document, Japan has guaranteed the new boundaries and has concluded the understanding concerning the establishment of amicable and good neighbourly relations, the promotion of closer economic relations, and also with reference to political, economic and military relations with respect to Thailand and French Indo-China. The relations between Japan, France and Thailand have been considerably made closer and stronger. Japan deems that the close relations thus strengthened shall never be weakened or overthrown by sinister designs from the outside.

Three and a half months have elapsed since Japan offered her mediation in which the present task of contributing toward peace has been accomplished. I believe that this is due to the fact that the French and Thai delegates, fully understanding the actual situation in East Asia and the world at large, have sincerely conducted the negotiations, and tender to them the expression of appreciation for their efforts.

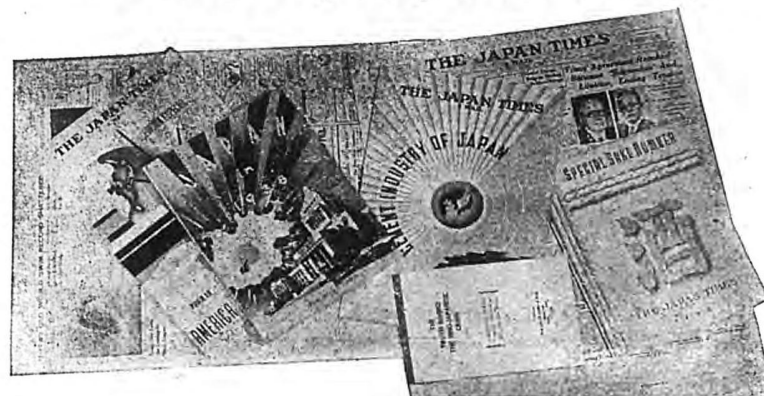
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